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SUBCHAPTER D—TRANSPORTATION

PART 52—FREIGHT TRANSPORTATION SERVICES FURNISHED FOR THE ACCOUNT OF THE UNITED STATES

Part 52 is revised to authorize the optional use of a standard short form bill of lading for small shipments and, in limited situations, commercial shipping documents. The changes necessitate a recodification of the part.

Sec.

AUTHORITY: The provisions of this Part 52 issued under sec. 311, 42 Stat. 25, as amended; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49, unless otherwise noted.

§ 52.1 Scope of part.

This part prescribes standard forms and regulations for the procurement of and billing for freight or express transportation services by rail, highway, water, or air, furnished for the account of the United States, and specifies certain information to be furnished in connection therewith. U.S. Government bill of lading forms should be utilized to procure these services except as otherwise provided herein or as specifically authorized in writing by the Comptroller General of the United States.

REGULAR U.S. GOVERNMENT BILL OF LADING FORMS

§ 52.2 Regular U.S. Government bill of lading forms.

The following standard forms are generally prescribed, except for the optional forms and procedures described in § 52.6 and § 52.16, to accomplish the shipment, transportation, and delivery of property for the account of the United States by transportation companies and are published for general use throughout the U.S. Government service:

SF 1103—U.S. Government Bill of Lading (Original).
SF 1103-A—U.S. Government Bill of Lading (Memorandum Copy).
SF 1104—U.S. Government Bill of Lading (Shipping Order).
SF 1105—U.S. Government Freight Waybill (Original).
SF 1106—U.S. Government Freight Waybill (Carrier's Copy).
SF 1109—U.S. Government Bill of Lading (Original—Continuation Sheet).
SF 1109-A—U.S. Government Bill of Lading (Memorandum—Continuation Sheet).
SF 1110—U.S. Government Bill of Lading (Shipping Order—Continuation Sheet).
SF 1111—U.S. Government Freight Waybill (Original—Continuation Sheet).
SF 1112—U.S. Government Freight Waybill (Carrier's Copy—Continuation Sheet).

The size of the above-prescribed forms will be 8½ by 11 inches and the original bill of lading, the freight waybill (original), the freight waybill (carrier's copy), and the corresponding continuation sheets will be printed on white paper. The memorandum bill of lading and its continuation sheet will be printed on yellow paper, and the shipping order and its continuation sheet on pink paper.

§ 52.3 Standard forms—temporary receipt and certificate in lieu of U.S. Government bill of lading.

The following standard forms are prescribed for use in connection with the transportation and delivery of property for the account of the United States and are published for general use throughout the U.S. Government service:

SF 1107—Temporary Receipt in Lieu of U.S. Government Bill of Lading.
SF 1108—Certificate in Lieu of Lost U.S. Government Bill of Lading (Original).
SF 1108–A—Certificate in Lieu of Lost U.S. Government Bill of Lading (Memorandum).

The size of the above-prescribed forms will be 8½ by 11 inches. The temporary receipt and the original of the certificate in lieu of lost bill of lading will be printed on white paper, and the memorandum certificate in lieu of lost bill of lading will be printed on yellow paper.

§ 52.4 Standard forms for shipments accorded transit privileges.

(a) The following standard forms covering the shipment, transportation, and delivery of property for the account of the United States by transportation companies are prescribed and published for general use throughout the U.S. Government service in connection with Government shipments accorded transit reshipment privileges:

SF 1131—U.S. Government Transit Bill of Lading (Original).
SF 1131–A—U.S. Government Transit Bill of Lading (Memorandum Copy).
SF 1132—U.S. Government Transit Bill of Lading (Shipping Order).
SF 1133—U.S. Government Transit Freight Waybill (Original).
SF 1134—U.S. Government Transit Freight Waybill (Carrier's Copy).

The size of the above-prescribed forms will be 8½ by 14 inches and the original transit bill of lading, the transit freight waybill (original), and the transit freight waybill (carrier's copy) will be printed on white paper. The memorandum transit bill of lading will be printed on yellow paper, and the transit shipping order on pink paper.

(b) The Temporary Receipt in Lieu of U.S. Government Bill of Lading, SF 1107, the Certificate in Lieu of Lost U.S. Government Bill of Lading (Original), SF 1108, and memorandum therefor, SF 1108–A, and the continuation sheets prescribed for use with the basic set of U.S. Government Bill of Lading Forms, SF 1109, SF 1109–A, SF 1110, SF 1111, and SF 1112, will be used in connection or conjointly with the set of U.S. Government Transit Bill of Lading Forms, SF 1131, SF 1131–A, SF 1132, SF 1133, and SF 1134, as required.

§ 52.5 Overprinting.

No departure from the exact specifications of the standard bill of lading forms herein prescribed will be permitted, but this will not be construed to prevent a department or establishment from ordering printed on the forms used by it, when more economical and advantageous to do so, the name of the department or establishment, name of bureau or service, place of issue, title of issuing officer, and designation of appropriation or fund chargeable.

OPTIONAL SHORT FORM U.S. GOVERNMENT BILL OF LADING

§ 52.6 Standard form for use in making small shipments.

(a) The Short Form U.S. Government Bill of Lading, Standard Form 1196, is prescribed for optional use on small shipments of property for the account of the United States by transportation companies, provided that:

(1) The total transportation charges do not exceed $100 per shipment;

(2) Both origin and destination are within the 48 conterminous States of the United States or the District of Columbia (this restriction does not apply to shipments to be subsequently reshipped for export on another bill of lading, or to imported shipments to be reshipped from an air or water port to other points in the 48 conterminous States and the District of Columbia);

(3) The property shipped is not household goods or classes A and B explosives;

(4) Special services, such as armed guard service, are not required;

(5) Continuation sheets are not required;

(6) The purpose of the issuance is not to convert a commercial bill of lading or commercial express receipt to a Government bill of lading;

(7) Two or more modes of transportation (e.g. air-truck, or rail-barge) are not involved in the movement;

(8) The consignee is a U.S. Government office (exceptions may be made for repetitive shipments to outside organizations with whom a particular Government agency has a continuous and close relationship); and

(9) The contents are not of such unusual value that, in the opinion of the shipping officer, they should only be released to carriers under the additional controls of the regular U.S. Government bill of lading.

§ 52.7 Description and distribution of optional short form.

(a) The optional short form Government bill of lading, Standard Form 1196, will be assembled into at least six-part carbon interleaved snap-out sets, which will be prepared simultaneously and will, in the exact order named, consist of:

(1) *Original.* The original bill of lading, which contains the terms and conditions of the contract of carriage, instructions, and the description of the articles comprising the shipment, and which is to be furnished the carrier's agent at shipping point for subsequent submission to the responsible finance office as supporting evidence for the voucher covering the transportation charges involved;

(2) *Copy No. 2.* The shipping order, which is also to be furnished the carrier's agent at shipping point and retained by the carrier for its internal use and accounting procedures;

(3) *Copy No. 3.* The memorandum copy/consignee copy, which contains provisions on the reverse side for the consignee to annotate exceptions to delivery in good order (that is, any damage, loss, or shrinkage), and which is to be mailed to attention of the consignee's receiving or traffic department as the Shipment and Property Received Copy;

(4) *Copy No. 4.* Memorandum copy/property shipped copy, which is to be retained by the shipper;

(5) *Copy No. 5.* Memorandum copy/fiscal copy, which is to be used by issuing office for obligation of funds; and

(6) *Copy No. 6.* Memorandum copy/issuing office copy, which is to be retained by the issuing office.

Additional memorandum copies of the short form bill of lading may be included in the form set if required for administrative purposes; however, the number of such memorandum copies should be kept to a minimum. The size of the short form bill of lading (excluding sprocket feed strips if mechanized preparation is desired) will be 8½ by 6 inches. The original bill of lading will be printed on white paper, the shipping order on pink paper, and the consignee copy and memorandum copies on yellow paper. The provisions of § 52.5 apply, insofar as conforming to the exact specifications of the optional short form and as permitting the printing of the name of department, etc.

§ 52.8 Procedure in case of loss and/or damage.

In case of exception to delivery in good order, the consignee will annotate the reverse side of the "Consignee Copy" (Copy No. 3) and the carrier's documents. The carrier will be requested to prepare a Joint Inspection Report, a copy of which will be forwarded by the consignee to the administrative office responsible for payment of charges within 20 days of receipt of the shipment or discovery of damage. In case of nondelivery or rejection of an entire shipment, a written report prepared by the consignee will be filed with the responsible administrative office within 20 days after the date of shipment.

§ 52.9 Substitute for lost original short form bill of lading.

(a) When an original short form Government bill of lading has been lost or destroyed, the only substitute form that may be issued in lieu of it is a Certified True Copy of Lost Short Form U.S. Government Bill of Lading, Standard Form No. 1197. This form will be 8½ by 7 inches printed on yellow paper in pad sets, and will contain a certification statement to be signed by the issuing officer.

(b) If the original short form Government bill of lading cannot be found after diligent effort has been made to locate it and it is evident that it has been lost or destroyed, the origin carrier will submit a written request to the issuing office requesting that it be furnished a certified true copy of the original document. Upon receipt of the written request, the issuing office will prepare in duplicate a Certified True Copy, SF 1197, from the "Property Shipped Copy" of the short form Government bill of lading. Both copies will be certified as true copies in a statement placed on the forms and signed by the issuing officer and the carbon copy will be plainly marked "Memo Copy."

(c) Certified true copies of lost original short form bills of lading will be issued only to the origin carriers. The original certified copy will be given to the origin carrier not sooner than 15

days after the shipment date, and the remaining copy and the letter of request will be attached to the "property shipped" records maintained by the issuing office.

(d) The standard form Certificate in Lieu of Lost U.S. Government Bill of Lading, SF 1108, may not be issued to replace a lost or destroyed original short form Government bill of lading, in order to avoid confusion in properly applying the billing regulations peculiar to the short form, as distinct from those applicable to the regular U.S. Government bill of lading form. Sections 52.26, 52.27, and 52.28 apply to the issuance of certified true copies of short form bills of lading as well as to the issuance of Certificates in Lieu of Lost U.S. Government Bills of Lading.

§ 52.10 Special billing requirements for optional short form.

(a) In addition to the regulations for billing in §§ 52.33 through 52.39, carriers and Government certifying officers should take particular note of the following special requirements applicable to billing for freight or express transportation services procured by use of the optional short form Government bill of lading.

(1) Charges will be paid only to the origin carrier named in the bill of lading, and they may not be waived to any other carrier.

(2) Since carriers are not required to submit receipts from the consignees in support of such bills, carriers may not present bills for payment sooner than 15 days after the date of shipment. Certifying officers will accept this 15-day period as presumptive evidence that the services ordered have been furnished, and, in the absence of any information as to damage or nondelivery, payment therefore will not be considered in violation of the statute prohibiting advance payment (31 U.S.C. 529).

§ 52.11 Applicability of regulations to use of the optional short form bill of lading.

Except as provided by specific reference to the optional short form Government bill of lading therein, the regulations in this part shall not apply to the use of the short form Government bill of lading.

Accountability for and Procurement of U.S. Government Bills of Lading

§ 52.12 Accountability, procurement and control.

Appropriate accountability records must be maintained by the departments and establishments of the U.S. Government for the purpose of controlling the stock of printed bills of lading on hand and for fixing accountability upon employees responsible for their issuance and use. To facilitate such control, the bill of lading forms will be serially numbered at the time of manufacture. An alphabetical-numerical sequence will be followed in numbering these forms:

(a) Regular U.S. Government bill of lading SF 1103 assemblies (includes SF 1103–A, 1104, 1105, and 1106) will start with the number A0,000,001 and will continue through A9,999,999, after which the letter symbol will change to B, thence C, etc.

(b) The U.S. Government transit bill of lading SF 1131 assemblies (includes SF 1131–A, 1132, 1133, and 1134) will start with the number AT000,001 and continue through AT999,999, after which the letter symbols will change to BT, thence CT, etc.

(c) The optional short form U.S. Government bill of lading (SF 1196) will start with the number Z0,000,001 and will continue through Z9,999,999, after which the letter symbol will change to Y, thence, X, etc.

Departmental numbering, coding, or symbolization will not be permitted on either the regular or the optional (short) U.S. Government bill of lading forms. Government agencies should order supplies of the regular standard forms referred to in §§ 52.2, 52.3 and 52.4 and the short form bill of lading forms referred to in § 52.6, from GSA Stores Depots, Federal Supply Service, General Services Administration. The Federal Supply Service is required to report to the Transportation Division, U.S. General Accounting Office, Washington, D.C. 20548, the serial numbers of SF 1103, SF 1131, and SF 1196 assemblies issued and the names of the receiving agencies.

§ 52.13 Disposition of unused bills of lading.

Obsolete Government bill of lading forms and current forms spoiled in preparation, prepared for issuance but which will not be used, or canceled for any other reason will be returned to the office keeping the accountability records. General Records Schedule 9 of the General Services Administration provides instructions for the disposal of these forms.

Basic Sets of Regular U.S. Government Bills of Lading Forms

§ 52.14 Description and distribution.

(a) The regular U.S. Government Bill of Lading Forms and the U.S. Government Transit Bill of Lading Forms will be arranged in sets of seven and nine parts each. These sets, all parts of which will be prepared simultaneously, will consist, respectively in the exact order named, of:

(1) The original bill of lading, which contains the terms and conditions of the contract of transportation, the description of the articles comprising the shipment, and evidence of delivery, and which will, except as hereinafter provided, be used as supporting evidence for the voucher covering the transportation charges involved;

(2) The shipping order, which is to be retained by the carrier's agent at shipping point;

(3) The freight waybill (original), which is to accompany the shipment or to be otherwise conveyed to destination in accordance with instructions of the carrier;

(4) The freight waybill (carrier's copy), which is to be disposed of in accordance with instructions of the carrier; and

(5) Three or five copies of the memorandum copy of the bill of lading, which are to be retained by the shipper for administrative purposes.

U.S. Government Bill of Lading Continuation Forms also will be arranged in seven- and nine-part sets consisting, in the following order, of SF 1109, 1110, 1111, 1112, and three or five forms 1109–A.

(b) Separate supplies of the memorandum forms, SF 1103–A, 1109–A, and 1131–A, are available for addition to the respective seven- and nine-part sets when additional copies are required for administrative purposes; however, in the interest of economy, the number of such memorandum copies should be kept at a minimum.

Exceptions to the Use of U.S. Government Bill of Lading Forms

§ 52.15 Local storage, drayage, and hauling.

When local storage, drayage, and hauling services are procured under a contract, U.S. Government bill of lading forms should not be used. These forms may be used, however, when such services are provided for under established tariffs, schedules, or tenders.

§ 52.16 Limited authority to use commercial forms and procedures.

(a) *Discretionary authority to approve use of commercial forms and procedures.* When the head of a department, agency, or other establishment of the U.S. Government determines that it is more efficient and economical for particular types of small shipments to procure freight or express transportation services by the use of commercial forms and procedures, rather than by use of the regular Government bill of lading or the optional short form Government bill of lading and the related procedures prescribed, he may approve such use for the specific circumstances designated by him, subject to the limitations and instructions contained in this section. This discretionary authority is directed toward those shipping situations wherein administrative offices find it cumbersome and impractical to issue Government bills of lading at origin, and relatively expensive to convert commercial bills of lading to Government bills of lading at destination, for small shipments bearing a nominal transportation charge.

(b) *Limitations on the use of commercial forms.* The discretionary authority to direct the use of commercial bills of lading or commercial express receipts, in shipping property for the account of the United States, is subject to the following limitations:

(1) The administrative authorization to use commercial forms and procedures must clearly define and circumscribe the particular shipping circumstances and conditions in which they may be used for small shipments, following an administrative determination that commercial forms and procedures will be more efficient and economical than standard

Government forms and procedures for the particular circumstances considered. A copy of each such authorization, and of any amendments extending, curtailing, or canceling an authorization, should be sent to the Transportation Division, U.S. General Accounting Office, Washington, D.C. 20548.

(2) In no circumstances should the use of commercial forms and procedures be authorized, unless the transportation charges ordinarily do not exceed $25 per shipment and the occasional exception does not exceed this monetary limitation by an unreasonable amount.

(3) A letter of agreement must be executed and filed with the administrative agency by each participating carrier (or its agent) signifying acceptance of the arrangements. The letter should contain the following provision:

The shipments covered by this agreement are subject to the terms and conditions set forth in the standard form of the U.S. Government bill of lading and any other applicable contract or agreement of the carrier for the transportation of shipments for the United States on Government bills of lading.

(c) *Procedures for processing bills for shipments made on commercial forms.* When small shipments have been made on commercial bills of lading or commercial express receipts, as authorized in paragraph (b) of this section, the following administrative procedures are to be observed with respect to carriers' bills for the transportation charges involved:

(1) The administrative offices involved in the use of commercial forms must have adequate procedures to: Prevent or detect duplicate payment for these shipments; properly account for the expenditures made; and, since commercial freight bills are ordinarily not accompanied by a receipt signed by the consignee to confirm delivery, verify that the services have been performed. In observing these requirements, however, administrative offices should be aware of the act of August 30, 1964, 31 U.S.C. 82b–1, which provides that, in the interest of efficiency and economy in agency disbursement operations, an agency head may prescribe the use of adequate and effective statistical sampling procedures in the examination and approval of disbursement vouchers for amounts of less than $100.

(2) The carriers transporting small Government shipments made on commercial bills of lading or express receipts will submit their bills on the commercial forms customarily used by the carriers, rather than on Public Voucher Form No. 1113 prescribed in § 52.33, in order to clearly identify bills for commercial-type shipments in the examination and certification process.

(3) In the processing of commercial-type transportation bills, administrative offices shall use the regular disbursement forms and documentation prescribed by the Treasury Department; and shall not classify them as transportation vouchers to be submitted to the Transportation Division of the General Accounting Office after payment, but shall retain them in the administrative files for subsequent audit.

(4) Administrative offices should ordinarily settle directly with the carriers any supplemental claims arising after the original bills for commercial-type shipments have been paid. However, claims involving a doubtful question of law or fact, or as to the amount properly due, may be forwarded to the Transportation Division, General Accounting Office, for direct settlement with the carriers involved. The complete record should be furnished, together with a citation to the appropriation or fund chargeable if the claim is allowed. All payments, including supplemental payments, are subject to otherwise applicable statutory limitations. See § 54.6a of this chapter.

PREPARATION OF U.S. GOVERNMENT BILL OF LADING FORMS

§ 52.17 Preparation procedures.

In preparing the sets of Government bill of lading forms, careful attention should be given to all instructions and details in arrangements. The boxed section headed "For Use of Destination Carrier Only" on the regular form and "For Use of Origin Carrier Only" on the short form must not be covered by marks or writing, since it is for the sole use of the accounting officer of the billing carrier who inserts therein the proper class, rates, and charges. This boxed section is not ruled on the memorandum copies of the bill of lading form and the space thereon should be used by the issuing officer for showing the estimated transportation charges and for such accounting classifications as may be administratively required. The statement concerning pickup or trap car service at origin on the regular form must be initialed by the shipper or shipper's agent. On both the optional short form and the regular Government bill of lading, the issuing officer must, in every case, sign the "Certificate of Issuing Officer" even though the bill of lading is to be used by a contractor as shipper. Carbon impression signatures on the shipping order and other forms will be acceptable. When the bill of lading is to be used by a contractor as shipper, it is particularly important that the issuing officer fill in above his signature the contract or purchase order number, the date thereof, and the f.o.b. point named in such contract or purchase order, since in the absence of such data on bills of lading the carrier may refuse to accept the shipment from a contractor as shipper.

DELIVERY OF PROPERTY TO CARRIER FOR SHIPMENT

§ 52.18 Action of the carrier's agent and disposition of the U.S. Government bill of lading forms.

When a carrier receives property of the United States for shipment, its agents shall insert above his own signature in the designated spaces in the lower left-hand portion of the original bill of lading the date of receipt of the shipment, the name of the initial carrier, and whether that carrier in fact furnished pickup or trap car service, as shown by the shipping order. The shipper (issuing officer or contractor) will then give the carrier's agent the shipping order, the freight waybill (original) and the freight waybill (carrier's copy). Except in the circumstances listed below, the shipper will forward the original bill of lading to the consignee immediately. When the consignee receives the shipment at destination, he will complete the certificate of delivery on the original bill of lading and give it to the delivering carrier for billing. Under the circumstances described in paragraphs (a) and (b) of this section, the shipper may surrender the original bill of lading to the initial carrier's agent to accompany the shipment or to be sent to destination by a method chosen by the carrier, for accomplishment by the consignee:

(a) When it is clear to the shipper that the bill of lading, if mailed, will reach the consignee after the shipment has arrived;

(b) When it is administratively determined that to do so will serve some substantial interest of the Government. Under the circumstances described in paragraphs (c) and (d) of this section, the shipper should, if requested by the initial carrier, surrender the original bill of lading to his agent for retention by the carrier under the delivery receipt procedure provided in § 52.19;

(c) When the shipment is to be carried by air from the continental United States to a foreign destination; or

(d) When the shipment consists of unaccompanied baggage shipped as freight.

Whenever the original bill of lading is surrendered to the initial carrier's agent with the shipment, he will indicate receipt in the certificate on the bill of lading:

Initial carrier's agent, by signature below, certifies he received the original bill of lading ☐ Yes (indicate by check).

The shipper (issuing officer) will retain one memorandum copy of the bill of lading as an office record and will immediately send one memorandum copy, certified as above, to the consignee. If the shipper is a contractor, he will retain one memorandum copy, send one to the issuing officer, and send one to the consignee, each copy certified as above.

§ 52.19 Alternative delivery receipt procedure on international airline shipments or on shipments of unaccompanied baggage.

(a) Air carriers which receive shipments in the United States for delivery at foreign destinations may elect to obtain a delivery receipt from the overseas consignee and to retain the original bill of lading instead of sending it to destination for execution of the consignee's certificate of delivery and surrender to the delivering carrier.

(b) On international and domestic shipments of unaccompanied baggage via freight, the carrier's agent may also elect to retain the original Government bill of lading and forward a delivery receipt form along with the shipment for accomplishment by the consignee.

(c) Under this alternative procedure, the delivery receipt when properly executed by the consignee, is to be returned to the billing carrier for attachment to the original Government bill of lading as proof of delivery. The following delivery receipt format must be used if there is an election to follow the procedure on international airline shipments or on shipments of unaccompanied baggage:

Gentlemen: Our records show that under date of _____ a shipment under GBL No. _____ and corresponding carrier waybill or freight bill No. _____ was delivered to you containing:

Exact description of goods (as shown on GBL)	*Number packages*	*Weight*
_____	_____	_____
_____	_____	_____
_____	_____	_____

Pursuant to U.S. Government requirements, please acknowledge receipt of this shipment by completing the duplicate copy of this letter and returning it to us, if you have in fact received said shipment.

If a shortage of or damage to the shipment was noted upon receipt, please indicate such shortage or damage in detail, in the section provided, including a statement as to the extent and value of shortage or damage, where known. Any such notation should be signed by you.

Very truly, yours,

(Name of billing carrier)

_____

By _____
(Name, Title)

To: (Name of billing carrier).

The property described herein was received (from the following carrier) _____ at _____ under date of _____ in the exact quantity and weight shown above in apparent good order and condition, except as noted below.

_____
(Signature and Title of Consignee)

_____
(Date)

Exceptions noted upon delivery of above shipment (if any):

_____
(Signature of consignee)

§ 52.20 Certificate of billing carrier in lieu of waiver from delivering carrier.

On international airline shipments to be delivered at foreign destinations or on international and domestic shipments of unaccompanied baggage, when carriers elect to use the delivery receipt procedure provided in § 52.19 and the bill is presented by other than the delivering carrier, each bill for charges must be supported with a certificate in the form set forth below, in order to protect the United States from duplicate payments and from the consequences of loss, damage, or shrinkage of the property shipped:

CERTIFICATE OF BILLING CARRIER IN LIEU OF WAIVER FROM DELIVERING CARRIER

In consideration of payment by the U.S. Government to the undersigned, for itself and all participating carriers, of the charges set forth in the attached bill and applicable for the transportation of the property covered by U.S. Government bill of lading No. _____, the undersigned agrees and guarantees (1) to make payment to all participating carriers of charges properly due them; (2) to assume liability for any loss, damage, or shrinkage in connection with the shipment covered by said bill of lading, notwithstanding that such loss, damage, or shrinkage may have occurred on the line or lines of participating carriers, and to compensate the United States therefor; (3) to refund promptly to the United States any amount found overcharged in connection with said shipment; and (4) to refund promptly to the United States any charges paid to the undersigned which have been or might be paid by the United States directly to any carrier participating in the movement covered by said bill of lading.

_____
(Name of billing carrier)

By _____
(Authorized Agent)

TEMPORARY RECEIPT IN LIEU OF U.S. GOVERNMENT BILL OF LADING

§ 52.21 Procedures for use and disposition of temporary receipt.

The use by the consignee of the Temporary Receipt in Lieu of U.S. Government Bill of Lading, SF 1107, should be restricted to instances in which the receipt of the original U.S. Government Bill of Lading is delayed, immediate delivery of the shipment is necessary, and this form of receipt is demanded by the carrier. Under no circumstances will transportation charges be paid or certified for payment based upon a temporary receipt. In order that payment of the transportation charges may be made without undue delay, the person responsible for issuing the temporary receipt must maintain a record of each such document issued, and must replace such temporary receipt with the original U.S. Government Bill of Lading as soon as such document is received or with a certificate in lieu of lost bill of lading when such document is used. The temporary receipt should then be marked canceled, and the number of the U.S. Government Bill of Lading or the certificate in lieu of lost bill of lading which replaced it should be noted thereon. The canceled temporary receipt then should be filed with the records of the office responsible for its issuance.

CERTIFICATE IN LIEU OF LOST U.S. GOVERNMENT BILL OF LADING

§ 52.22 Circumstances requiring issuance.

If the original Government bill of lading cannot be found after diligent effort has been made to locate it and it is evident that it has been lost or destroyed, the Certificate in Lieu of Lost U.S. Government Bill of Lading, SF 1108, and memorandum thereof, SF 1108–A, are provided for use only by authorized Government employees as a basis for settlement of the charges for transportation of the property shipped on the lost original bill of lading.

§ 52.23 Issuance by consignee.

When it has been ascertained that the original Government bill of lading has been either lost or destroyed, a certificate in lieu of lost bill of lading may be issued by the consignee, provided that the consignee is an agency of the Government, or an official thereof, having access to such forms and with office records which will permit the maintenance of a permanent record of the issuance of such certificates by means of the memorandum copies thereof; and that the consignee has in his possession a memorandum copy of the lost original bill of lading, SF 1103–A or SF 1131–A, or the carrier's freight waybill, SF 1105 or SF 1133, on which the shipment moved, thus enabling him to accomplish the certificate in lieu of lost bill of lading in every detail.

§ 52.24 Issuance by issuing officer.

(a) In any other circumstance, the matter of lost original Government bills of lading must be brought to the attention of the issuing officer. Such officer will then issue the necessary certificate in lieu of lost bill of lading from his memorandum copy of the lost original bill of lading, or from information on the shipping order (SF 1104 or SF 1132) which must be obtained from the initial carrier. Except as provided below, this certificate in lieu of lost bill of lading will then be forwarded immediately to the consignee for execution of consignee's certificate of delivery and prompt surrender thereof to the destination carrier for accomplishment of its certificate and waiver and for billing.

(b) On international airline shipments from the continental United States destined to foreign countries or on international and domestic shipments of unaccompanied baggage via freight, the shipper (issuing officer), at the request of the carrier or its agent will surrender the certificate in lieu of lost bill of lading to the carrier or its agent authorized to bill for the charges. Proof of good order delivery (a properly executed delivery receipt) as prescribed in § 52.19 will be furnished by the billing carrier and must accompany the certificate in lieu of lost bill of lading. When the bill is presented by other than the delivering carrier a waiver as prescribed in § 52.20 will be furnished by the billing carrier.

§ 52.25 Certificate to be signed by consignee or the issuing officer.

The following certificate, which has been incorporated in the Certificate of Issuing Officer and in the Certificate of Consignee printed on the face of the Certificate in Lieu of Lost U.S. Government Bill of Lading, SF 1108, must be executed by the consignee or the issuing officer who issues the certificate in lieu of lost bill of lading:

Issued in exact conformity with Standard Form No. _____ in my possession.

§ 52.26 Records and controls to be maintained.

A memorandum copy of every certificate in lieu of lost Government bill of lading issued by the consignee must be immediately forwarded by him to the issuing officer, who should note the issuance thereof, as well as all other certificates in lieu of lost bills of lading issued by himself, on the bill of lading accountability record and promptly forward the memorandum copies of such certificates

to the administrative accounting office concerned, where a system of controls designed to avoid duplicate payment of the transportation charges involved must be maintained.

§ 52.27 Original bill of lading located before settlement of bill—action to be taken.

It is to be understood that, if the original bill of lading is located by either the consignee or the carrier before settlement is made on the certificate in lieu of lost bill of lading, the original bill of lading will be substituted therefor and the certificate in lieu of lost bill of lading will be immediately marked with the notation:

Canceled—Original Bill of Lading Located and Delivered to the Destination Carrier.

The canceled certificate in lieu of lost bill of lading should then be returned to the office which originally issued it.

§ 52.28 Original bill of lading located after settlement of bill—action to be taken.

If the original bill of lading is located after settlement is made on the certificate in lieu of lost bill of lading, it will be forwarded with appropriate advice to the administrative office concerned, there to be properly voided and inscribed with the disbursing office symbol number, the D.O. voucher number (or the General Accounting Office certificate of settlement number), and the date paid. The voided original bill of lading will then be transmitted to the General Accounting Office.

CONVERSION OF COMMERCIAL BILL OF LADING TO U.S. GOVERNMENT BILL OF LADING

§ 52.29 Preliminary requirements for conversion.

Except as provided for in § 52.16, every precaution should be taken to guard against the shipment of property for the account of the United States on a commercial bill of lading or commercial express receipt, since payment to the carrier of the transportation charges will not be made by the Government on such commercial document alone. When property for the account of the United States unavoidably moves on a commercial bill of lading or commercial express receipt under circumstances not authorized by § 52.16 the words:

To Be Converted to a Government Bill of Lading.

must be placed on the original commercial document and on all copies thereof in a conspicuous manner. The original commercial document must be immediately forwarded by the shipper to the Government official who authorized the shipment or may, by agreement with the carrier receiving such shipment, be surrendered to the carrier, or its agent, to accompany the shipment or, at the discretion of the carrier, to be transmitted to destination by such other means as the carrier may elect.

§ 52.30 Procedure.

The procedure to be followed by the shipper, by the Government official who authorized the shipment, and by the consignee in connection with the shipment of property for the account of the United States which unavoidably moves on a commercial bill of lading or commercial express receipt is as follows:

(a) Whenever the original commercial bill of lading or commercial express receipt is forwarded by the shipper to the Government official who authorized the shipment, the latter should immediately prepare, or cause to be prepared, a Government bill of lading covering the shipment involved, which should be signed by him as the issuing officer. The commercial document on which the property was shipped should be securely attached to the Government bill of lading and both the Government bill of lading and the commercial document should be cross-referenced and then forwarded to the consignee without delay for execution of consignee's certificate of delivery on the Government bill of lading and surrender thereof to the destination carrier upon delivery of the shipment.

(b) When the original commercial bill of lading or commercial express receipt is surrendered to a carrier, the certificate:

Initial Carrier's Agent, by Signature Below, Certifies That He Received the Original of This Document.

must be placed on the original commercial document and on all copies thereof, and a memorandum copy of the original commercial document must be immediately forwarded by the shipper to the Government official who authorized the shipment. Upon receipt of the memorandum copy of the commercial document, said official should promptly prepare, or cause to be prepared, a Government bill of lading covering the property involved, sign it as issuing officer, and forward it to the consignee without delay, retaining the memorandum copy of the commercial document for his files. When the shipment and the original commercial document are delivered to the consignee by the carrier, the consignee should:

(1) Cross-reference the original commercial document and the Government bill of lading received from the Government official who authorized the shipment;

(2) Securely attach the commercial document to the Government bill of lading;

(3) Execute consignee's certificate of delivery on the Government bill of lading; and

(4) Promptly surrender such documents to the destination carrier for billing;

(c) In either of the above cases the signature of the agent of the initial carrier will not be required on the Government bill of lading as it will appear on the commercial document.

LOST COMMERCIAL BILLS OF LADING

§ 52.31 Procedures for conversion to U.S. Government bill of lading.

If the commercial bill of lading or commercial express receipt of which property for the account of the United States was unavoidably shipped becomes lost or destroyed, the following procedures will apply:

(a) When the consignee has in his possession the carrier's "Shipping Order," the carrier's "Freight Waybill" (A.A.R. Standard Form No. AD–129—Part 3), or the Railway Express Agency "Delivery Sheet," he may convert it to a Government bill of lading which he must obtain from the Government official who authorized the shipment, provided that:

(1) Procedure in the issuing office is designed to preclude the issuance of more than one Government bill of lading for the same shipment and

(2) A system of controls, designed to avoid duplicate payment of the transportation charges involved, is maintained by the administrative accounting office concerned.

(b) When the consignee does not have in his possession the carrier's "Shipping Order," the carrier's "Freight Waybill," or the Railway Express Agency "Delivery Sheet," he will be permitted, subject to the provisions of subparagraphs (1) and (2) of paragraph (a) of this section:

(1) To convert a photostat copy of the carrier's "Shippping Order" or the Railway Express Agency "Delivery Sheet" to a Government bill of lading which he must obtain from the Government official who authorized the shipment, provided that before photostating the commercial document the carrier will place thereon the notation:

Photostat Copy of This Document Furnished Consignee on _____ (Date) To Be Converted to a Government B/L.

or (2) to convert a certified true copy of the commercial documents furnished by the carrier, provided said certified true copy contains a carbon impression obtained by typing or otherwise placing on the carrier's "Shipping Order" or the Railway Express Agency "Delivery Sheet" the statement:

Certified True Copy of This Document Furnished Consignee on _____ (Date) To Be Converted to a Government B/L.

§ 52.32 Lost original commercial bills of lading subsequently recovered.

It is to be understood that, if the lost original commercial bill of lading or lost commercial express receipt is located subsequent to the conversion of the carrier's "Shipping Order," the carrier's "Freight Waybill" (A.A.R. Standard Form No. AD–129—Part 3), or the Railway Express Agency "Delivery Sheet" to a Government bill of lading, it will be forwarded with appropriate advice to the administrative office concerned. There, after payment has been effected on the Government bill of lading prepared from the commercial documents, the recovered original commercial bill of lading or commercial express receipt will be properly voided and inscribed with the disbursing office symbol number, the D.O. voucher number (or the General Accounting Office certificate of settlement number), and the date paid; it will then be transmitted to the General Accounting Office.

BILLING FOR FREIGHT OR EXPRESS TRANSPORTATION CHARGES

§ 52.33 Standard forms for billing freight or express transportation charges.

The following standard forms of public voucher for transportation charges are prescribed and published for general use throughout the Government service:

Standard Form No.

1113—Public Voucher for Transportation Charges (Original).
1113-A—Public Voucher for Transportation charges (Memorandum).

§ 52.34 Size and color.

The original Public Voucher for Transportation Charges, SF 1113, should be printed on white paper and be 8½ by 11 inches in size with the addition of an 8½ by 3$^{3}/_{10}$ inch tear-off slip which is to be used by the disbursing office in mailing the check covering payment of the voucher. The memorandum of the voucher, SF 1113-A, should be printed on yellow paper in the same size as the original without the tear-off slip.

§ 52.35 Use of public voucher for transportation charges.

Public Voucher for Transportation Charges, SF 1113, and memorandum copy, SF 1113-A, will be used by carriers as the standard forms on which to bill their charges against all branches of the U.S. Government service for freight or express transportation furnished under the regulations in this chapter, except as provided in § 52.16 with respect to the use of commercial bills of lading.

§ 52.36 Preparation by carriers of public voucher for transportation charges.

(a) The arrangement of the voucher form requires the listing of the complete serial number and amount of each subvoucher (bill of lading, etc.); it does not provide for descriptive details of the service rendered. Except as provided in §§ 52.37 and 52.46, carriers are requested to make a special effort, when the charges are to be billed to the same office, to include as many subvouchers as possible on each voucher form, since such practice will materially reduce the number of forms used and the number of Government checks issued, and will expedite the payment and audit of transportation charges. However, the optional short form, as prescribed in § 52.6, and the regular Government bill of lading may not be billed together on the same voucher form.

(b) In the preparation of SF 1113, the carrier must properly execute the "Payee's Certificate." A facsimile signature of the carrier's certifying officer may be used or, for carriers which mechanically prepare bills, a machine-typed officer's name and title in lieu of such facsimile signature may be substituted: *Provided*, That the facsimile signature or machine-typed officer's name and title is autographically initialed by a duly authorized clerk.

(c) In the preparation of SF 1113, the carrier must properly execute the tear-off slip. A copy of SF 1113-A may not be substituted for the tear-off slip.

(d) The carrier will furnish to the department or establishment billed only one memorandum copy, SF 1113-A, with each voucher form unless specifically authorized in advance by the General Accounting Office to furnish extra copies.

§ 52.37 Separate billing for household goods shipments.

Each household goods shipment should be billed on a separate SF 1113, Public Voucher for Transportation Charges, except that domestic shipments of crated household goods shall not be subject to this requirement.

§ 52.38 Presentation and payment of carriers' bills for transportation services.

(a) With the exception of bills supported by commercial forms as authorized in § 52.16 and those supported by the optional short form Government bill of lading, bills will be prepared as provided in § 52.36 and presented to the paying agency of the department or establishment concerned for payment to:

(1) The last carrier (including a freight forwarder) in privity with the contract of carriage as evidenced by the covering bill of lading; or

(2) A participating carrier (including a freight forwarder) in privity with the contract of carriage as evidenced by the covering bill of lading, when submitted with a waiver accomplished by the last carrier (as described in subparagraph (1) of this paragraph) in favor of the billing carrier; or

(3) A carrier (as described in subparagraph (1) of this paragraph) or its properly designated warehouse agent as authorized in § 52.42(c); or

(4) An agent of the carriers (as described in subparagraph (1) or (2) of this paragraph) so long as the bill is submitted in the name of the principal. The agent's mailing address may be shown in such bills and the checks drawn in the name of the principal may be mailed to the agent.

(b) Bills supported by the optional short form Government bill of lading will be prepared as provided in § 52.36 and, as provided in § 52.10, presented not sooner than 15 days after shipping date to the paying agency of the department or establishment concerned for payment to the origin carrier only or its agent (if submitted in the name of the principal).

(c) Any bill presented for payment that is not in conformity with the requirements of this section should be returned by the paying agency to the billing party with appropriate advice as to the reasons for nonpayment.

(Sec. 52.38 issued under sec. 11, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 322, 54 Stat. 955, as amended, 49 U.S.C. 66)

§ 52.39 Purchase or reproduction of public voucher for transportation charges.

In view of the furnishing of the U.S. Government Freight Waybill (Original), SF 1105, and U.S. Government Freight Waybill (Carrier's Copy), SF 1106, for use by the carriers, it is agreed that the carriers will bear the cost of the transportation voucher forms, SF 1113 and SF 1113-A, with the understanding that the carriers may either purchase the said forms from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or print the forms themselves or have them printed by any association of carriers. It is understood, however, that, in reproducing the voucher forms outside the U.S. Government Printing Office, the exact size, wording, and arrangement approved by the Comptroller General of the United States must be adhered to and, while no minimum as to the grade of paper will be set, this Office will rely upon the carriers to provide a paper stock of reasonable grade and reserves the right to impose such a requirement. Inquiries with respect to the cost of the voucher forms should be addressed to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FACTUAL SUPPORT OF CHARGES BILLED

§ 52.40 Support for accessorial or special charges.

In connection with its audit activities the General Accounting Office has before it only what the carrier and the administrative agency have submitted as the record upon which the carrier was paid. There can be no knowledge of services furnished which vary from those ordered on the processing documents. In all instances where additional information or facts are necessary to support higher charges because of accessorial or special services ordered and furnished incident to the line-haul transportation, the U.S. Government Bill of Lading, SF 1103, shall be indorsed to show the name of the carrier upon which the request was made and the kind and scope of the special services ordered. This indorsement may be placed on the face of the bill of lading under the "Description of Articles" or in the block reserved for "Marks," if space is available, or in the space provided on the reverse side of the bill of lading for "Special Services Ordered," and shall be signed by or for the person who ordered the services. However, if such an indorsement is impractical, the same information may be set forth in a statement bearing the number of the covering bill of lading which shall be signed by or for the person who ordered the services, and, if possible, attached to the bill of lading. If the bill of lading is not available, the original and one copy of the statement shall be surrendered to the carrier from which the services were ordered, the original for transmittal to the last line-haul carrier and presentation in connection with the bill for line-haul transportation charges. Where accessorial or special services are shown as ordered but were not furnished, the bill of lading shall be so annotated.

§ 52.41 Completion of statements concerning pickup, delivery, or trap car services.

The U.S. Government Bill of Lading provides for showing whether the carrier furnished pickup, delivery, or trap car

service. In certain instances, tariffs covering pickup, delivery, or trap car service provide for the assessment of charges therefor in addition to line-haul charges. Acordingly, when pickup, delivery, or trap car service is performed by the carrier at the request of the shipper or consignee in connection with a Less-Than-Carload or an Any Quantity rail shipment, or on shipments by other modes of transportation when a charge is to be made for the pickup and/or delivery service, the Government bill of lading and available copies should be completed to show the authorized service was requested of and furnished by the carrier. Such statements should be signed by or for the person(s) who ordered the services at origin or destination.

§ 52.42 Motor carrier or freight forwarder destination storage-in-transit of household goods or mobile dwellings (including house trailers)—payment of transportation and accessorial charges.

(a) *Application.* These instructions relate only to shipments of household goods or mobile dwellings (including house trailers) forwarded for the account of the United States on a Government bill of lading.

(b) *Carrier defined.* The term "carrier" as used herein means "motor carrier" or "freight forwarder" which has been duly authorized, under certificate or permit, to operate as such in intrastate or interstate commerce.

(c) *Required certifications.* The payment of transportation charges from the point of shipment to the destination storage point on shipments of household goods or mobile dwellings (including house trailers) forwarded for the account of the United States on a Government bill of lading and stored in transit for account of the carrier and for ultimate delivery to the consignee or owner may be made upon completion of the transportation to the carrier's destination storage point and prior to ultimate delivery to the consignee, provided the carrier hauling the shipment to the destination storage point certifies on the covering Government bill of lading over the signature of its duly authorized representative:

(1) That the described household goods were placed in the carrier's storage warehouse at _____ on
(Destination warehouse)
_____
(Date)
or
that the mobile dwellings (including house trailers) were placed in destination storage at _____ on _____;
(Designated location) (Date)

(2) That such shipment will be permitted to remain there for a period of _____
(Number of days)
or such shorter period as may meet the consignee's or owner's demands; and

(3) That the carrier(s) hauling the shipment to the destination storage point assumes full carrier liability for the shipment during such storage and until delivery to the consignee or owner within the designated storage period.

If space on the Government bill of lading is not available, this certificate, with appropriate reference to the Government bill of lading number, may be made on plain paper and securely attached to the bill of lading. The carrier may, at its option, include in this certificate a statement designating the warehouse the agent of the carrier to voucher and receive payment in the name of the line-haul carrier from the Government for all storage-in-transit and delivery-out charges (and other applicable related charges) authorized by the Government bill of lading to which the certificate pertains. In these situations, a signed duplicate copy of such certificate should be attached in support of the supplemental bill covering such charges. However, when the warehouse is authorized to bill these charges for the carrier, the requirement in paragraph (d) of this section that supplemental billing bear the same bill number (with a letter suffix) as the carrier's original bill for transportation charges need not be observed.

(d) *Supplemental billing for accessorial charges.* When transportation charges have been paid as authorized in the preceding paragraph, the payment of accessorial charges, if any, accruing against the shipment after delivery into storage may be made upon presentation by the carrier of a claim therefor on SF 1113, which should bear the same bill number, except as provided in the last sentence of paragraph (c) of this section as the carrier's original bill for transportation charges but should carry a letter suffix (example: No. 12345–A). The claims for accessorial charges must identify the bill of lading covering the transportation service, show the basis for the accessorial charges claimed, and be supported by a statement of the following information signed and dated by the consignee, showing:

(1) Accessorial services ordered and furnished;

(2) Receipt of the shipment by the consignee or owner; and

(3) Loss or damage to the shipment, if any.

§ 52.43 Overseas transportation of household goods and/or personal effects of U.S. Government officers and employees traveling on official business.

(a) *Required documentation.* All bills submitted by freight forwarders or household goods transporters for the payment of transportation charges for the overseas movement of household goods and/or personal effects must be supported by a copy of the ocean freight bill in addition to the Government bill of lading. See paragraphs (b) and (c) of this section.

(b) *Use of American flag vessels.* Attention is directed to the provisions of section 901(a) of the Merchant Marine Act of 1936, 49 Stat. 2015, 46 U.S.C. 1241(a), relative to the required use of American flag vessels by officers and employees of the United States for the transportation of household goods and/or personal effects.

(c) *Use of foreign flag vessels.* Foreign flag service may be used only when American flag service is unavailable or where the necessity of the traveler's mission requires its use. In any instance where foreign flag ocean service is involved in the movement, the ocean carrier, freight forwarder, or household goods transporter must submit with the bill for charges a signed certification obtained from:

(1) Any person authorized by the Military Sea Transportation Service to sign such certification if the shipment is made by a military agency; or

(2) The agency official authorizing the use of the foreign flag vessel if the shipment is made by any other agency of the Government.

This certification should be as follows:

JUSTIFICATION CERTIFICATE FOR USE OF A FOREIGN FLAG VESSEL

_____
(Date)

I certify that it (is) (was) necessary to transport the household goods and/or personal effects of _____ between _____ and _____ en route from _____ to _____ via the _____, a foreign flag vessel, for the following reasons:

_____
(A full explanation is required)
_____
_____
_____
_____
(Signature of Authorizing Officer)
_____
(Title)
_____
(Post, station, or installation)

(d) *Responsibility of certifying officers.* Certifying officers have the responsibility in the first instance of determining the acceptability of the foregoing certificate which must be attached to bills involving movements by foreign flag vessels prior to the certification of such bills.

PROCEDURES PERTAINING TO SHIPMENTS ACCORDED TRANSIT PRIVILEGES

§ 52.44 Transit records; processing and distribution.

(a) *Section 22 quotation and tariff requirements.* Government installations should handle transit shipments in accordance with the provisions of the quotations issued under section 22 of the Interstate Commerce Act, as amended, 49 U.S.C. 22, or of the carriers' tariffs providing for the transit privileges.

(b) *The outbound application of transit tonnage.* Inbound transit tonnage should be utilized in the best interests of the Government, consistent with agency requirements. SF 1131, U.S. Government Transit Bill of Lading, should be used in billing outbound transit shipments. All inbound transit information should be entered accurately in the portion of the SF 1131 marked Transit Reshipping Certificate—Inbound Billing References.

(c) *Action by the paying office.* Where specific arrangements are in effect between agencies and the General Accounting Office, the paying office should verify, enter, or correct the information shown in the portion of the SF 1131 marked Transit Reshipping Certificate—Inbound Billing References.

(d) *Furnishing transit certificates.* Government installations notified that the paying office has arranged to verify, enter, or correct the inbound information shown on each SF 1131 are not required to prepare and furnish to the General Accounting Office documents showing the record of transit tonnage and application. Installations which have not been notified of such arrangements should furnish transit certificates (recording documents) to the General Accounting Office as follows:

(1) One copy to be furnished at the time of recording the inbound tonnage; and

(2) One copy to be furnished at the time of each reshipment, partial reshipment, or cancellation.

§ 52.45 Free or surrendered Government bill of lading.

Where the transportation charges to the transit station equal or exceed the through transportation charges plus the transit charge, the outbound bill of lading, properly accomplished, should be listed on and attached to SF 1113, Public Voucher for Transportation Charges. The SF 1113, bearing the carrier's bill number, should be surrendered to the administrative office of the agency for which the service was performed, accompanied by the carrier's check for any amount due the United States. The agency should annotate its records in conformity with its fiscal procedures. The information shown in the portion of the SF 1131 marked Transit Reshipping Certificate—Inbound Billing References should be verified, entered, or corrected as provided in § 52.44(c). Agencies not party to the specific arrangements with the General Accounting Office should enter the D.O. voucher number, date of payment, and the disbursing office symbol number and show bureau voucher number, if any. Forms SF 1113, together with the surrender bills of lading and notices of any refunds, should be forwarded to the Transportation Division, General Accounting Office, separately from any other documents.

§ 52.46 Separate billing for transit shipments.

To enable the General Accounting Office to segregate transit items and to audit them more expeditiously, the word "Transit" should be typed under "Serial No., including Symbol" on each SF 1113, Public Voucher for Transportation Charges, covering transit traffic. A separate bill should be used for each outbound shipment.

CONTRACTS AND TENDERS

§ 52.47 Contracts.

The original of each contract, negotiated or otherwise, for freight transportation rates or services—excluding contracts for local storage, drayage and hauling and contracts entered into by the Military Sea Transportation Service—shall be transmitted by administrative agencies, promptly upon execution, directly to the Transportation Division, U.S. General Accounting Office, Washington, D.C. 20548.

§ 52.48 Tenders.

Quotations or tenders made by or on behalf of common or contract carriers for freight transportation rates or services, including those made under section 22 of the Interstate Commerce Act, as amended, 49 U.S.C. 22, shall be reduced to writing and promptly transmitted by administrative agencies or the negotiating agency directly to the Transportation Division, U.S. General Accounting Office, Washington, D.C. 20548.

§ 52.49 Procurement and billing.

Any services ordered under such contracts or tenders shall be: (a) Secured by the issuance of Government bills of lading, each of which shall bear reference to the pertinent contract or tender; (b) billed by the carrier on SF 1113, Public Voucher for Transportation Charges; and (c) paid in the same manner as freight transportation generally.

VOLUNTARY REFUNDS BY CARRIERS

§ 52.50 Voluntary refunds by carriers.

Voluntary refunds (other than those covered in § 52.45) made by carriers to administrative offices to cover excess amounts billed and paid for freight or express services furnished should be reported by the administrative offices to the Transportation Division of the General Accounting Office. Each such report should include (a) a reference to each involved bill of lading and the amount refunded on each, (b) a citation to the related payment by reference to the involved D.O. voucher number, bureau voucher number (if any), date of payment, and the disbursing office symbol number, and (c) the name of the carrier and the carrier's bill number.

[SEAL] R. F. KELLER,
Comptroller General of the United States.

[F.R. Doc. 69-3480; Filed, Mar. 24, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 26—GRAIN STANDARDS

Subpart A—Regulations

Correction

In F.R. Doc. 69-1610 appearing at page 1859 of the issue for Saturday, February 8, 1969, the following changes should be made:

1. In the third line of § 26.19(a), the word "gain" should read "grain".

2. In the fifth line of § 26.59(b)(20), the word "of" should read "or".

3. In the third line of § 26.72(b)(1), the word "sample" should read "section".

4. In the eighth line of § 26.96(d), the word "employes" should read "employees".

PART 29—TOBACCO INSPECTION

Subpart C—Standards

REVISION OF MARYLAND STANDARD GRADES

On February 27, 1969, notice of proposed rule making regarding a revision to the Official Standard Grades for Maryland Tobacco was published in the FEDERAL REGISTER (34 F.R. 2667). Interested persons were given 10 days in which to submit written data, views, or arguments regarding the proposed revision. After consideration of all such relevant matter as was presented by interested persons, the revision as so proposed is adopted subject to the following change: In § 29.3299, the clause "which is subject to Internal Revenue tax" is deleted.

Since the Maryland tobacco markets officially open on April 8, 1969, there is insufficient time to publish this order 30 days prior to the effective date hereof. Therefore, it is hereby found and determined that good cause exists for making this order effective as provided herein, and that it would be contrary to the public interest to delay the effective date of this revision for 30 days after its publication in the FEDERAL REGISTER.

Effective date. This revision shall become effective on April 7, 1969.

Done at Washington, D.C., this 19th day of March 1969.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

1. Subpart C of Part 29 is revised by deleting the heading "Official Standard Grades for Maryland Broadleaf Tobacco (U.S. Type 32)" and §§ 29.3251 to 29.3407 and substituting therefor, immediately after § 29.3182, the following:

OFFICIAL STANDARD GRADES FOR MARYLAND BROADLEAF TOBACCO (U.S. TYPE 32)

DEFINITIONS

Sec.
29.3251 Definitions.
29.3252 Air-cured.
29.3253 Air-dried.
29.3254 Body.
29.3255 Class.
29.3256 Clean.
29.3257 Color.
29.3258 Color symbols.
29.3259 Condition.
29.3260 Cured.
29.3261 Damage.
29.3262 Dirty.
29.3263 Elements of quality.
29.3264 Finish.
29.3265 Foreign matter.
29.3266 Form.
29.3267 Grade.
29.3268 Grademark.
29.3269 Green (G).
29.3270 Greenish or unripe (V).

AUTHORITY: §§ 29.3251 to 29.3401 issued under sec. 14, 49 Stat. 734; 7 U.S.C. 511m.

DEFINITIONS

§ 29.3251 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.3252 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent house-burn and barn-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.3253 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.3254 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.3371.)

§ 29.3255 Class.

A major division of tobacco based on characteristics caused by varieties, soils, or climatic conditions, or by the method of cultivation, harvesting, or curing.

§ 29.3256 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See Rule 4, § 29.3335.)

§ 29.3257 Color.

The third factor of the grade based on relative hues, saturations or chromas, and color values common to the type. Basic colors of Maryland Broadleaf tobacco are red, yellow, and green. The saturation of each color determines its degree of difference in vividness of hue and is expressed as follows:

(a) *Tan.* A light reddish yellow in hue, of high saturation and medium brilliance.

(b) *Cherry red.* A yellowish red in hue; a light to medium brown color of very high saturation and medium brilliance.

(c) *Red.* A reddish red yellow in hue; a medium to dark reddish-brown color of medium saturation and low brilliance.

(d) *Brown.* A reddish red yellow in hue; a very dark shade of brown color of low saturation and low brilliance.

(e) *Greenish.* A greenish reddish yellow or a greenish yellowish red in hue. (See definition, § 29.3270, and Rule 17, § 29.3348.)

(f) *Green.* Of the color green, the hue of which is somewhat less than that of fresh-growing grass. (See definition, § 29.3269, and Rule 18, § 29.3349.)

(g) *Variegated.* Diversified in external appearance with different colors, or an off color. (See definition, § 29.3307, and Rule 16, § 29.3347.)

§ 29.3258 Color symbols.

As applied to Maryland Broadleaf tobacco color symbols are: L—Tan, F—Cherry red, R—Red, D—Brown, V—Greenish, G—Green, K—Variegated.

§ 29.3259 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged. Maryland Broadleaf is air-dried or steam-dried for storage and aging.

§ 29.3260 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.3261 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 21, § 29.3352.)

§ 29.3262 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 22, § 29.3353.)

§ 29.3263 Elements of quality.

Elements of quality and the degrees used in the specifications of the Official Standard Grades for Maryland Broadleaf, Type 32, are shown in § 29.3371. Words have been selected to describe the degrees of each element.

§ 29.3264 Finish.

The reflectance factor in color perception. As applied to tobacco colors, it is used to describe the clearness or brightness of a color or hue.

§ 29.3265 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, et cetera. Abnormal amounts of dirt or sand also are included. (See Rule 22, § 29.3353.)

§ 29.3266 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.3267 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.3268 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter to indicate color. For example, C2L means Bright-crop, second quality, and tan color.

§ 29.3269 Green (G).

A color term applied to crude or immature tobacco. Any leaf which is crude to the extent of 20 percent or more or has a green color affecting 20 percent or more of its surface may be described as green. (See Rule 18, § 29.3349.)

§ 29.3270 Greenish or unripe (V).

A color term applied to relatively thin unripe tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See Rule 17, § 29.3348.)

§ 29.3271 Group.

A division of a type covering several closely related grades based on certain characteristics which are related to stalk position or the general quality of the tobacco. Groups in Maryland Broadleaf, Type 32, are: Seconds (X), Bright-crop or Thin-crop (C), Dull-crop or Heavy-crop (B), Tips (T), Nondescript (N), and Scrap (S).

§ 29.3272 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See defintion of Damage, § 29.3261; chart, § 29.3371; and Rule 15, § 29.3346.)

§ 29.3273 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.3274 Leaf structure.

The cell development of a leaf as indicated by its porosity or solidity. (See chart, § 29.3371.)

§ 29.3275 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See chart, § 29.3371.)

§ 29.3276 Lot.

A pile, basket, bulk, hack, burden, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.3277 Maryland Broadleaf, Type 32.

That type of air-cured tobacco also known as Southern Maryland or Maryland Air-cured tobacco produced principally in southern Maryland.

§ 29.3278 Maturity.

The degree of ripeness. (See chart, § 29.3371.) The degrees of maturity are:

(a) *Mellow.* The highest degree of maturity in Type 32 tobacco. Tobacco of a soft, dry nature which is fluffy, fairly tender, and having a very open leaf structure resulting from extreme ripeness. It may contain a material amount of injury associated with overripeness.

(b) *Ripe.* The degree of maturity under mellow. Any leaf which has reached completeness or is thoroughly ripe, somewhat firmer in leaf structure than mellow tobacco but having an open to firm leaf structure, and may show injury characteristic of ripeness.

(c) *Mature.* The intermediate degree of maturity. Any leaf which has attained full development or completeness of growth. Tobacco which is just mature but lacking in quality characteristics associated with ripe tobacco. It may have a slight greenish color and firm to close leaf structure.

(d) *Unripe.* The degree of maturity used to describe any tobacco which has not reached full development or completeness of growth, or any unripe leaf which has a pale green color affecting 20 percent or more of its leaf surface may be described as greenish or unripe. Unripe tobacco is normally characterized by its slick surface and close or tight leaf structure.

(e) *Immature.* The lowest degree of maturity which is used to describe any tobacco that is green or undeveloped. Any leaf which has a green color affecting 20 percent or more of its leaf surface may be described as green or immature.

(f) *Crude.* A subdegree of maturity. Crude leaves are usually hard and compact and may be grayish or off colored as a result of extreme immaturity. A similar condition may result from sunburn or sunscald. Crude tobacco may or may not be green in color. Any leaf which is crude to the extent of 20 percent or more of its leaf surface may be described as crude.

§ 29.3279 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes: (a) Any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are placed or arranged to conceal inferior quality leaves on the inside of the hands or which contains wet tobacco or tobacco of lower quality in the heads under the tie leaves; (d) any lot of tobacco which consists of distinctly different grades, qualities, or conditions and which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers. (See Rule 22, § 29.3353.)

§ 29.3280 No-G.

A designation applied to a lot of tobacco classified as rework, nested, offtype, semicured; tobacco that is damaged 20 percent or more, abnormally dirty, or extremely wet or watered; or tobacco that contains foreign matter or has an odor foreign to the type. (See Rule 22, § 29.3353.)

§ 29.3281 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Maryland Broadleaf, Type 32. Upper Country tobacco, Type 32b, is not considered offtype. (See definitions of No-G, § 29.3280; Upper Country, § 29.3306; and Rule 22, § 29.3353.)

§ 29.3282 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.3283 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.3284 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.3285 Quality.

A division of a group or the second factor of a grade, based upon the relative degree of one or more elements of quality in tobacco.

§ 29.3286 Raw.

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.3287 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market. (See definition of No-G, § 29.3280; and Rule 22, § 29.3353.)

§ 29.3288 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, frozen tobacco, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See Rule 22, § 29.3353.)

§ 29.3289 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.3290 Sound.

Free of damage.

§ 29.3291 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See Rules 10, § 29.3341; 20, § 29.3351; 21, § 29.3352.)

§ 29.3292 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by

means of a redrying machine or other steam-conditioning equipment.

§ 29.3293 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.3294 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.3295 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.3296 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.3297 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.3298 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, siftings, or dust.

§ 29.3299 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

§ 29.3300 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.3301 Type 32.

That type of air-cured tobacco commonly known as Southern Maryland tobacco or Maryland Air-cured and produced principally in southern Maryland.

§ 29.3302 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.3303 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed as percentages in the grade specifications. (See chart, § 29.3371; and Rule 14, § 29.3345.)

§ 29.3304 Unsound (U).

Damaged under 20 percent. (See Rule 21, § 29.3352.)

§ 29.3305 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.3306 Upper Country.

Burley strains and tobacco known as "Upper Country," which do not have the characteristics of varieties commonly grown in southern Maryland, are classified as Type 32b.

§ 29.3307 Variegated (K).

Any leaf of which 20 percent or more of its surface is pale grayish yellow, gray, mottled, bleached, or stained and does not blend with the normal colors of the type or group and is characterized by a lower degree of leaf structure and maturity than tobacco of corresponding group and quality in the normal colors. (See Rule 16, § 29.3347.)

§ 29.3308 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 20, § 29.3351.)

§ 29.3309 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart, § 29.3371.)

RULES

§ 29.3331 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.3332 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.3333 Rule 2.

The determination of grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.3334 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. One break shall be made not more than 12 inches from the top of the package and one not more than 12 inches from the bottom. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample of not less than six hands shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.3335 Rule 4.

All standard grades must be clean.

§ 29.3336 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.3337 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.3338 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.3339 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.3340 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over 1 percent of the tobacco shall be overlooked.

§ 29.3341 Rule 10.

Any special factor symbol approved by the Director of the Tobacco Division, Consumer and Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.3342 Rule 11.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

§ 29.3343 Rule 12.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.3344 Rule 13.

Any lot of Dull-crop or Heavy-crop tobacco or any lot of tobacco having the general characteristics of Dull-crop or Heavy-crop in which 25 percent or more of its leaves are under 16 inches in length shall be designated as Tip group (T).

§ 29.3345 Rule 14.

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. (These percentages shall not

affect limitations established by other rules.) The minor portion must be of a closely related group, quality, and color.

§ 29.3346 Rule 15.

The application of injury tolerance as an element of quality shall be expressed in terms of percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the percent a lot contains. In appraising injury only detrimental injury such as portions decomposed by field diseases, field-firing, pole-burning, barn-burning, or wasted portions shall be considered. Physical characteristics associated with normal ripeness shall not be construed as detrimental injury and shall be overlooked in quality determination.

§ 29.3347 Rule 16.

Variegated tobacco may be included in any group as follows: In the second quality, 10 percent; and in the third quality up to 20 percent. Any lot of tobacco containing 20 percent or more of variegated leaves that are lower in maturity and tighter in leaf structure than tobaccos of normal colors for the group shall be described as "variegated" and designated by the color symbol "K."

§ 29.3348 Rule 17.

Any lot of unripe tobacco, any lot of tobacco containing 20 percent or more of greenish leaves, or any lot which contains 20 percent of greenish and green leaves combined shall be designated by the color symbol "V."

§ 29.3349 Rule 18.

Any lot of tobacco containing 20 percent or more of immature or green leaves, or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbol "G."

§ 29.3350 Rule 19.

Crude leaves shall not be included in any grade of any color except green. Any lot containing 20 percent or more of crude leaves shall be designated Nondescript.

§ 29.3351 Rule 20.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated "No-G."

§ 29.3352 Rule 21.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated "No-G."

§ 29.3353 Rule 22.

Tobacco shall be identified by the grademark "No-G" when it is dirty, nested, offtype, semicured, damaged 20 percent or more, extremely wet or watered, or needs to be reworked, contains foreign matter, or has an odor foreign to the type.

ELEMENTS OF QUALITY

§ 29.3371 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value.

Elements	Degrees					
Body	Tissuey	Thin	Medium	Fleshy	Heavy.	
Maturity	Mellow	Ripe	Mature	Unripe	Immature.	
Leaf structure	Porous	Open	Firm	Close	Tight.	
Width		Spready	Normal	Narrow		
Length	Expressed in inches when applicable.					
Uniformity	Expressed in percentages.					
Injury tolerance	Expressed in percentages.					

GRADES

§ 29.3385 Seconds (X Group).

This group consists of relatively thin leaves which show material injury characteristic of leaves grown near the ground or below the midpoint of the stalk. Cured Seconds normally have a flat, open face and are wider in relation to their length than leaves from a higher stalk position.

U.S. grades	*Grade names and specifications*
X1L	Choice Quality Tan Seconds Tissuey, mellow, porous, 90 percent uniformity, and 10 percent injury tolerance.
X2L	Good Quality Tan Seconds Thin, ripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3L	Low Quality Tan Seconds Thin, mature, open, 60 percent uniformity, and 40 percent injury tolerance.
X1F	Choice Quality Cherry-red Seconds Tissuey, mellow, porous, 90 percent uniformity, and 10 percent injury tolerance.
X2F	Good Quality Cherry-red Seconds Thin, ripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3F	Low Quality Cherry-red Seconds Thin, mature, open, 60 percent uniformity, and 40 percent injury tolerance.
X2R	Good Quality Red Seconds Thin, ripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3R	Low Quality Red Seconds Thin, mature, open, 60 percent uniformity, and 40 percent injury tolerance.
X2V	Good Quality Greenish Seconds Thin, unripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3V	Low Quality Greenish Seconds Thin, unripe, open, 60 percent uniformity, and 40 percent injury tolerance.
X2K	Good Quality Variegated Seconds Medium body, unripe, firm, 75 percent uniformity, and 25 percent injury tolerance.
X3K	Low Quality Variegated Seconds Medium body, unripe, close, 60 percent uniformity, and 40 percent injury tolerance.
X2G	Good Quality Green Seconds Medium body, immature, firm, 75 percent uniformity, and 25 percent injury tolerance.
X3G	Low Quality Green Seconds Medium body, immature, close, 60 percent uniformity, and 40 percent injury tolerance.

§ 29.3386 Bright-crop or Thin-crop (C Group).

This group consists of leaves usually grown at the midpoint of the stalk. Cured leaves from this stalk position roll or curl and tend to conceal the stem or midrib. These leaves are of relatively thin body compared with the average body of the type. They are spready in relation to their length and have an oblate tip. Little ground injury is found in leaves of this group. Bright-crop or Thin-crop may also be described as first-bright, first-crop, or crop.

U.S. grades	*Grade names and specifications*
C1L	Choice Quality Tan Bright-crop Thin, ripe, open, spready, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
C2L	Good Quality Tan Bright-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3L	Low Quality Tan Bright-crop Thin, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C1F	Choice Quality Cherry-red Bright-crop Thin, ripe, open, spready, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
C2F	Good Quality Cherry-red Bright-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3F	Low Quality Cherry-red Bright-crop Thin, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2R	Good Quality Red Bright-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3R	Low Quality Red Bright-crop Medium body, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2D	Good Quality Brown-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3D	Low Quality Brown Bright-crop Medium body, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2V	Good Quality Greenish Bright-crop Thin, unripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.

U.S. grades	Grade names and specifications
C3V	Low Quality Greenish Bright-crop Medium body, unripe, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2K	Good Quality Variegated Bright-crop Medium body, unripe, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3K	Low Quality Variegated Bright-crop Medium body, unripe, close, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2G	Good Quality Green Bright-crop Medium body, immature, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3G	Low Quality Green Bright-crop Medium body, immature, close, narrow, 60 percent uniformity, and 40 percent injury tolerance.

§ 29.3387 Dull-crop or Heavy-crop (B Group).

This group consists of leaves usually grown above the midpoint of the stalk. Cured leaves from the upper stalk tend to fold face in and expose the stem or midrib. Upper stalk tobacco is of relatively heavy body compared with the average body of the type. Upper stalk leaves are narrow in relation to their length and have a pointed tip. Dull-crop or Heavy-crop may also be described as second-bright, dull, or semi-crop.

U.S. grades	Grade names and specifications
B1F	Choice Quality Cherry-red Dull-crop Medium body, ripe, open, normal width, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
B2F	Good Quality Cherry-red Dull-crop Fleshy, mature, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3F	Low Quality Cherry-red Dull-crop Fleshy, mature, close, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B1R	Choice Quality Red Dull-crop Fleshy, ripe, firm, normal width, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
B2R	Good Quality Red Dull-crop Heavy, mature, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3R	Low Quality Red Dull-crop Heavy, mature, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2D	Good Quality Brown Dull-crop Heavy, mature, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3D	Low Quality Brown Dull-crop Heavy, mature, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2V	Good Quality Greenish Dull-crop Medium body, unripe, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3V	Low Quality Greenish Dull-crop Fleshy, unripe, close, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2K	Good Quality Variegated Dull-crop Fleshy, unripe, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3K	Low Quality Variegated Dull-crop Heavy, unripe, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2G	Good Quality Green Dull-crop Fleshy, immature, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3G	Low Quality Green Dull-crop Heavy, immature, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.

§ 29.3388 Tips (T Group).

This group consists of leaves usually grown at the top of the stalk. These relatively narrow and sharp-pointed leaves have the general characteristics of Dull-crop or upper stalk tobacco. A slightly lower degree of maturity and leaf structure is usually associated with the normal state of underdevelopment in Tips. Slightly heavier body results from a combination of substance and lower porosity.

U.S. grades	Grade names and specifications
T1F	Choice Quality Cherry-red Tips Medium body, ripe, open, normal width, 25 percent or more 16 inches or under in length, 90 percent uniformity, and 10 percent injury tolerance.
T2F	Choice Quality Cherry-red Tips Fleshy, mature, firm, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3F	Low Quality Cherry-red Tips Fleshy, mature, firm, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T1R	Choice Quality Red Tips Fleshy, ripe, firm, normal width, 25 percent or more 16 inches or under in length, 90 percent uniformity, and 10 percent injury tolerance.
T2R	Good Quality Red Tips Heavy, mature, close, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3R	Low Quality Red Tips Heavy, mature, tight, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T2D	Good Quality Brown Tips Heavy, mature, close, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3D	Low Quality Brown Tips Heavy, mature, tight, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T2V	Good Quality Greenish Tips Fleshy, unripe, firm, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3V	Low Quality Greenish Tips Fleshy, unripe, close, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T2K	Good Quality Variegated Tips Fleshy, unripe, close, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3K	Low Quality Variegated Tips Heavy, unripe, tight, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T2G	Good Quality Green Tips Fleshy, immature, close, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3G	Low Quality Green Tips Heavy, immature, tight, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.

§ 29.3389 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except Scrap.

U.S. grades	Grade names and specifications
N1L	Best Thin-bodied Nondescript From the X and C groups; 60 percent injury tolerance.
N1F	Best Medium-bodied Nondescript From the C, B, and T groups; 60 percent injury tolerance.
N1R	Best Heavy-bodied Nondescript From the B and T groups; 60 percent injury tolerance.
N1G	Best Crude or Crude Green Nondescript Tolerance, 60 percent crude leaves or injury.
N2	Substandard Nondescript Nondescript of any group, quality, or color; tolerance, over 60 percent crude leaves or injury.

§ 29.3390 Scrap (S Group).

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. grade	Grade name and specifications
S	Scrap Loose, tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.3395 Summary of standard grades.

MATURE TO MELLOW GRADES

Seconds

X1L	X3L	X2F	X2R
X2L	X1F	X3F	X3R

Bright-crop or Thin-crop

C1L	C1F	C2R	C3D
C2L	C2F	C3R	
C3L	C3F	C2D	

Dull-crop or Heavy-crop

B1F	B3F	B2R	B2D
B2F	B1R	B3R	B3D

Tips

T1F	T3F	T2R	T2D
T2F	T1R	T3R	T3D

UNRIPE GRADES

Seconds

X2V	X3V	X2K	X3K

Bright-crop or Thin-crop

C2V	C3V	C2K	C3K

Dull-crop or Heavy-crop

B2V	B3V	B2K	B3K

Tips

T2V	T3V	T2K	T3K

IMMATURE GRADES

Seconds

X2G	X3G

Bright-crop or Thin-crop

C2G	C3G

Dull-crop or Heavy-crop

B2G	B3G

Tips

T2G	T3G

Nondescript

N1L	N1F	N1R	N1G
N2			

Scrap

S

Special factors "U" and "W" may be applied to all grades.

Tobacco not covered by the standard grades is designated No-G.

KEY TO STANDARD GRADEMARKS

§ 29.3401 Key to standard grademarks.

Groups

X—Seconds.
C—Bright-crop or Thin-crop.
B—Dull-crop or Heavy-crop.
T—Tips.
N—Nondescript.
S—Scrap.

Qualities

1—Choice.
2—Good.
3—Low.

Colors

L—Tan.
F—Cherry red.
R—Red.
D—Brown.
V—Greenish.
K—Variegated.
G—Green.

[F.R. Doc. 69-3479; Filed, Mar. 24, 1969; 8:46 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 15]

PART 775—FEED GRAINS

Subpart—1966–69 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1966–69 Feed Grain Program, 31 F.R. 8339, as amended, are hereby further amended as follows:

§ 775.402 [Amended]

1. Section 775.402(d)(3) is amended by changing the last sentence thereof to read as follows: "Sweet sorghums and sorghum-grass crosses shall be considered as grain sorghums for purposes of this subparagraph when in a mixture with corn or grain sorghums."

§ 775.404 [Amended]

2. Section 775.404(c)(2) is amended by changing the eighth sentence thereof to read as follows: "For purposes of this subparagraph, all persons or entities in each category listed below shall be considered as the same producer and fully responsible for the actions of any person or entity in that category: (i) A partnership and any member of the partnership; (ii) a corporation and the majority stockholder of such corporation (in applying this rule, a corporation can earn no payment if two or more stockholders with a combined majority interest in the corporation exceed the feed grain base on other farms in which they have an interest; and two or more stockholders with a combined majority interest in the corporation, each of whom is participating in the program, can earn no payment if the corporation exceeds the feed grain base on any farm in which it has an interest); (iii) an estate and an heir of the estate with over a 50 percent interest in the estate (in applying this rule, an estate can earn no payment if two or more heirs with a combined interest in the estate of over 50 percent exceed the feed grain base on other farms in which they have an interest; and two or more heirs with a combined interest in the estate of over 50 percent, each of whom is participating in the program, can earn no payment if the estate exceeds the feed grain base on any farm in which it has an interest); (iv) a trust and a beneficiary of the trust with over a 50 percent interest in the trust (in applying this rule, a trust can earn no payment if two or more beneficiaries with a combined interest in the trust of over 50 percent exceed the feed grain base on other farms in which they have an interest; and two or more beneficiaries with a combined interest in the trust of over 50 percent, each of whom is participating in the program, can earn no payment if the trust exceeds the feed grain base on any farm in which it has an interest); (v) minor children and the parent, guardian, or other person legally responsible for the minor unless the person legally responsible for the minor does not occupy the same household as the minor and shares no interest in the farming operations of the minor; (vi) husband and wife, except that the husband and wife may be considered as separate producers if the spouse receiving benefits under the program does not share to any degree in crops or proceeds thereof from the other farm, managerial control of the other farm is not shared by such spouse, and there have been no changes in the operations or managerial control of the other farm which would tend to defeat the purpose of the provisions of this subparagraph."

2A. Section 775.404(c)(2) is further amended by changing the last sentence thereof to read as follows: "Notwithstanding the foregoing, the following shall apply for 1969: (i) Any person who places land in a trust the beneficiary of which is such person's parent, brother, sister, spouse, child, or grandchild shall be considered a producer with an interest in the trust land for purposes of this subparagraph if he acts as the trustee or trust officer for the trust or in any other way retains management responsibility for the trust land even though he does not receive any share of the crops or proceeds thereof from the trust land; (ii) when the State committee, or the county committee with the approval of the State committee, determines that a corporation or trust was formed, modified, or used for the purpose of circumventing the provisions of this subparagraph, the corporation and any stockholder of the corporation, or the trust and any beneficiary of the trust, shall be considered as the same producer and fully responsible for the actions of the corporation or trust or of any stockholder or beneficiary of the corporation or trust; (iii) different corporations or trusts or estates having common stockholders or beneficiaries with a combined majority interest shall be considered as the same producer for purposes of applying the provisions of this subparagraph."

3. Section 775.410(g)(1) is amended to read as follows:

§ 775.410 County projected yields, farm projected yields, and diversion and price support payment rates.

* * * * *

(g) * * *

(1) *1966 and 1969.* Barley, 20 cents; corn, 30 cents; and grain sorghums, 29.68 cents.

* * * * *

§ 775.413 [Amended]

4. Section 775.413(e) is amended by changing the first sentence thereof to read as follows: "The operator may, upon approval of the county committee, withdraw Form 477 by filing a written notice of withdrawal of the form with the county committee, except that the form may not be withdrawn after the operator certifies to program acreage on the farm which is found by measurement to be erroneous by an amount exceeding the tolerance, if any, authorized under provisions of Parts 718 and 719 of this chapter, as amended."

5. A new § 775.432 is added to read as follows:

§ 775.432 Changes effective for 1969.

Notwithstanding any other provisions of this subpart and Part 728 of this chapter, the following changes, in addition to any other specific amendments to the regulations, shall be applicable for 1969.

(a) *Malting barley exemption.* Section 775.429 shall not be applicable for 1969.

(b) *Oats and rye.* An oats-rye base shall be established only for the purpose

of substituting wheat for oats and rye under the provisions of § 728.507a of the regulations governing the wheat program for 1968–1969 (Part 728 of this chapter). An acreage devoted to a mixture which includes oats or rye shall be considered as oats and rye acreage only when the oats and rye content is more than 50 percent by weight at harvest, and the acreage is not considered as barley or wheat acreage.

(c) *Additional acre diversion payment rates.* The additional acre diversion payment rate for a farm shall be 45 percent of the result obtained by multiplying the basic county support rate for the crop of the commodity for the year preceding the current year adjusted to reflect any change between the national average rates for such preceding year's crop and the current year's crop of the commodity (which are found in § 775.427(d)) by the projected farm yield established for the commodity as provided in § 775.410(b). Except as otherwise provided in paragraphs (e) and (f) of § 775.410, the additional acre diversion payment rate shall apply to acreage diverted for payment in excess of the minimum acreage required to be diverted under § 775.404(b)(2).

(d) *Diversion payment.* (1) No diversion payment for minimum diversion shall be made for farms with total feed grain bases in excess of 25 acres: *Provided,* That a farm with a total feed grain base in excess of 25 acres but not in excess of 125 acres shall be eligible for a diversion payment on 25 acres if the farm operator makes a request therefor, such acreage is actually diverted, and no feed grains are produced on the farm; and, for purposes of computing the diversion payment, such farms shall be deemed to have a total feed grain base of 25 acres.

(2) The total acreage eligible for payment shall be credited first to the commodity with the largest applicable payment rate to the extent of the actual underplanted acreage of such commodity, and the remaining acreage, if any, eligible for payment shall be credited to other commodities in high to low payment rate order to the extent of the actual underplanting of such commodities: *Provided,* That for farms also complying with the wheat diversion program, the total acreage eligible for payment shall be credited as provided in § 725.507a of the regulations governing the wheat program for 1968–1969 (Part 728 of this chapter).

(e) *Division of payments and additional provisions relating to tenants and sharecroppers.* Regulations relating to the division of 1969 payments and additional provisions relating to tenants and sharecroppers are set forth in Part 794 of this chapter, as amended.

(f) *Soybeans.* Acreage devoted to soybeans shall not be considered as devoted to the production of feed grains for the purpose of determining the acreage eligible for price support payment.

(g) *Substitute crops (alternate crops).* Part or all of the acreage diverted in excess of the minimum acreage required to be diverted under § 775.404(b)(2) may be devoted to crambe, guar, mustard seed, plantago ovata, safflower, sesame, and sunflower if the farm operator authorizes in writing on a form furnished by the county committee, a reduction in farm payments. The per acre reduction rate for crambe, guar, mustard seed, plantago ovata, and sesame shall be 50 percent and for safflower and sunflower 100 percent of the applicable additional acre diversion payment rates for the farm.

(h) *CRP, CCP, CAP, and RCP.* All provisions applying in these feed grain regulations to CRP, CCP, and CAP shall apply also be RCP.

(i) *Advance payment.* The total advance payment to be made on a farm shall be one-half the estimated total division payment to be earned. Each producer's share of the advance payment for the farm shall be obtained by multiplying his percentage share of the feed grain diversion payment as specified on Form 477 by the total advance feed grain payment for the farm.

(Sec. 16(i), 79 Stat. 1190, 16 U.S.C. 590p(i); sec. 105(e), 79 Stat. 1188, as amended, 7 U.S.C. 1441 note)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 19, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-3478; Filed, Mar. 24, 1969; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER A—GENERAL

[No. 22,672]

PART 512—RULES FOR INVESTIGATIVE PROCEEDINGS AND FORMAL EXAMINATION PROCEEDINGS

MARCH 19, 1969.

Resolved that, upon the basis of consideration by it of the advisability of prescribing rules of practice and procedure governing the conduct of examinations under paragraph (2) of subsection (m) of section 407 of the National Housing Act, as amended (12 U.S.C. 1730(m)(2)) and investigations under paragraph (2) of subsection (h) of section 408 of said Act, as amended (12 U.S.C. 1730a(h)(2)) and for the purpose of providing such rules, the Federal Home Loan Bank Board hereby amends the general regulations of the Federal Home Loan Bank Board by adding a new Part 512 to read as follows, effective March 25, 1969:

Sec.
512.1 Scope of part.
512.2 Definitions.
512.3 Confidentiality of proceedings.
512.4 Transcripts.
512.5 Rights of witnesses.
512.6 Obstruction of the proceedings.
512.7 Subpenas.

AUTHORITY: The provisions of this Part 512 issued under secs. 402, 407, 48 Stat. 1256, 1260, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730, 1730a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48 Comp., p. 1071.

§ 512.1 Scope of part.

This part prescribes rules of practice and procedure applicable to the conduct of investigative proceedings under section 408(h)(2) of the National Housing Act (referred to in this part as the "Act"), as amended (12 U.S.C. 1730a(h)(2)), and to the conduct of formal examination proceedings with respect to insured institutions and affiliates under section 407(m)(2) of the Act, as amended (12 U.S.C. 1730(m)(2)). This part does not apply to adjudicative proceedings as to which hearings are required by statute, the rules for which are contained in Part 509 of this chapter.

§ 512.2 Definitions.

As used in this part:

(a) "Board" means the Federal Home Loan Bank Board as the operating head of the Federal Savings and Loan Insurance Corporation;

(b) "Investigative proceeding" means an investigation conducted under section 408(h)(2) of the Act;

(c) "Formal examination proceeding" means the administration of oaths and affirmations, taking and preserving of testimony, requiring the production of books, papers, correspondence, memoranda, and all other records, the issuance of subpenas, and all related activities in connection with examinations of insured institutions and affiliates thereof conducted under section 407(m)(2) of the Act; and

(d) "Designated representative" means the person or persons empowered by the Board to conduct an investigative proceeding or a formal examination proceeding.

§ 512.3 Confidentiality of proceedings.

All formal examination proceedings shall be private and, unless ordered otherwise by the Board, all investigative proceedings shall also be private. Unless otherwise ordered or permitted by the Board, or required by law, and except as provided in §§ 512.4 and 512.5, the entire record of any investigative proceeding or formal examination proceeding, including the Board resolution authorizing the proceeding, the transcript of such proceeding, and all documents and information obtained by the designated representative during the course of said proceeding, shall be for the confidential use of only the Board and its staff, and no part of such record shall be made public.

§ 512.4 Transcripts.

Transcripts, if any, of investigative proceedings or formal examination proceedings shall be recorded solely by an official reporter or by any other person or means authorized by the designated representative. A person who has submitted documentary evidence or given testimony in an investigative proceeding or formal examination proceeding shall be entitled to procure a copy of his documentary evidence or a transcript of his

own testimony on payment of the cost thereof: *Provided*, That, in a private proceeding, a person seeking a transcript of his own testimony shall file a written request with the Board stating the reason he desires to procure such transcript, and the Board may for good cause deny such request. In any event, any witness (or his counsel) upon proper identification, shall have the right to inspect the transcript of the witness' own testimony.

§ 512.5 Rights of witnesses.

(a) Any person who is compelled or requested to furnish documentary evidence or give testimony at an investigative proceeding or formal examination proceeding shall have the right to examine, upon request, the Board resolution authorizing such proceeding. Copies of such resolution shall be furnished, for their retention, to such persons only with the approval of the Director or the Deputy Director of the Office of Examinations and Supervision and the concurrence therewith of the General Counsel, the Deputy General Counsel, or an Associate General Counsel of the Board.

(b) Any witness at an investigative proceeding or formal examination proceeding may be accompanied, represented, and advised by counsel, who may be present with him during any investigative proceeding or formal examination proceeding. Such counsel may advise the witness before, during, and after the taking of his testimony and may briefly question the witness, on the record, at the conclusion of his testimony, for the sole purpose of clarifying any of the answers the witness has given. During the taking of the testimony of a witness, such counsel may make summary notes solely for the use of his client. All witnesses shall be sequestered, and, unless permitted in the discretion of the designated representative, no witness or accompanying counsel may be permitted to be present during the taking of the testimony of any other witness called in such proceeding.

(c) Unless otherwise ordered by the Board, in any public investigative proceeding (but in no other proceeding under this part), if the record shall contain implications of wrongdoing by any person, such person shall have the right to appear on the record; and in addition to the rights afforded other witnesses under this part, he shall have an opportunity to cross-examine and produce rebuttal testimony and/or documentary evidence. Such person shall be granted as full an opportunity to assert his position as may be consistent with administrative efficiency and with avoidance of undue delay, in the discretion of the designated representative.

§ 512.6 Obstruction of the proceedings.

The designated representative shall report to the Board any instances where any witness or counsel has engaged in dilatory, obstructionist, or contumacious conduct or has otherwise violated any provision of this part during the course of an investigative proceeding or formal examination proceeding; and the Board may take such action as the circumstances warrant, including the exclusion of counsel from further participation in such proceeding.

§ 512.7 Subpenas.

(a) *Service.* Service of a subpena in connection with an investigative proceeding or formal examination proceeding shall be made upon the person named in the subpena by delivering a copy of the subpena to such person and by tendering the fees for 1 day's attendance and the mileage as specified by paragraph (c) of this section. When the subpena is issued at the instance of the Board or its staff, fees and mileage need not be tendered at the time of service. Delivery of a copy of a subpena and, when appropriate, tender of the fees to a natural person may be made by handing them to such person; or by leaving them at his office with the person in charge thereof or, if there is no one in charge, by leaving them in a conspicuous place therein; or by leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein; or by mailing them by registered or certified mail to him at his last known address; or by any method whereby actual notice is given to him and the fees are made available prior to the return date. When the person to be served is not a natural person, delivery of a copy of the subpena and tender of the fees (when appropriate) may be effected by handing them to a registered agent for service, or to any officer, director, or agent in charge of any office of such person; or by mailing them by registered or certified mail to any such representative at his last known address; or by any method whereby actual notice is given to any such representative and the fees are made available prior to the return date.

(b) *Motions to quash.* Any person to whom a subpena is directed may, prior to the time specified therein for compliance, but on no event more than 5 days after the date of service of such subpena, apply to the designated representative, or if he is unavailable, to the Board, to quash or modify such subpena, accompanying such application with a brief statement of the reasons therefor. The designated representative or the Board, as the case may be, may: (1) Deny the application; (2) quash or revoke the subpena; (3) modify the subpena; or (4) condition the granting of the application on such terms as the designated representative or the Board, as the case may be, determines, in his or its discretion, to be just, reasonable, and proper.

(c) *Attendance of witnesses.* Subpenas issued in connection with any investigative proceeding or formal examination proceeding may require the attendance and testimony of witnesses from any State or territory of the United States and the production by such witnesses of documentary or other tangible evidence at any designated place where the proceeding is being (or is to be) conducted. Witnesses summoned in any proceeding under this part shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. Witness fees and mileage shall be paid by the Board, except that whenever a person, during the course of a public investigative proceeding, calls witnesses on his own behalf as provided for by paragraph (c) of § 512.5, such person shall be responsible for the payment of fees and mileage with respect to those witnesses called by him.

Resolved further that the provisions of this Part 512 shall be applicable to any investigative proceeding or formal examination proceeding pending on the above effective date.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 69-3483; Filed, Mar. 24, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-34; Amdt. 4]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of March 1969.

Part 389 of the Board's Organization Regulations (14 CFR Part 389) establishes a system of filing and license fees, and fees for special services. When the Board established the fee system at the end of 1967 (OR-27), it stated that it would review fees periodically. In addition, the Board stated in Regulation SPR-28 that it would amend Part 389 to impose certain fees. The Board therefore proposes to modify Part 389 in several respects.

License fees. At present, § 389.21(b) directs that license fees be paid within 30 days of notification, or before service is begun, unless the Board specifies otherwise. The Board and the carriers have encountered problems under this formulation of the rule. Consequently, we will modify the provisions to require that unless the Board specifies otherwise, license fees shall be paid before the date when the certificate states that it shall become effective. Failure of a carrier to make payment within the required period will, in the Board's discretion, constitute a ground for rescission of the authorization.

Waiver and exemption requests under § 389.25(j). Section 389.25(j) prescribes a filing fee for a request for a waiver of the provisions of Part 208 or Part 295 of the economic regulations. At the present time, no charge is imposed on a request for a waiver of the provisions of Part 378 of the special regulations. Since the amount of work involved in processing

requests for Part 378 waivers approximates that involved in processing requests under Parts 208 and 295, we will prescribe the same fee for Part 378 requests. However, we will eliminate fees for requests under Part 295 for permission to return passengers who have missed the return flight of their charter group because of unavoidable and unforeseeable circumstances. And we shall place a $200 ceiling on fees for applications for exemptions to perform a specific number of charters.

Tour prospectus fee. For inclusive tours commencing in 1969, the Board has required the filing of a tour prospectus in lieu of a statement of authorization. In place of the fee for the latter document, we will substitute a new § 389.25(l), imposing a filing fee for each tour prospectus. By Regulation SPR–28, January 7, 1969, we indicated that we would set the fee for a prospectus relating to foreign tour operators at $5 for each tour charter described in the prospectus, subject to a minimum charge of $25 per prospectus. On further consideration, we will reduce the fee to $25 for each prospectus, regardless of the number of charters described; and we will make the fee applicable to tours operated for domestic and foreign tour operators alike.

We have also made certain changes in Subpart B, relating to Fees for Special Services, with respect to fees for copying magnetic tapes and payment of fees for certification by the Secretary.

Because this regulation is a rule of agency practice and procedure, notice and public procedure are not required and the regulation will be made effective 30 days after publication in the FEDERAL REGISTER. However, since this amendment is being issued as a final rule, we will permit interested persons to file petitions for reconsideration with respect to any new fees. Twelve (12) copies of such petitions should be filed with the Docket Section, Civil Aeronautics Board, Room 712, Universal Building, Washington, D.C. 20428, on or before April 14, 1969. Copies of any petition filed will be available for examination by interested persons in the Docket Section. The filing of petitions for reconsideration will not operate to stay the effective date of the rule.

Accordingly, the Civil Aeronautics Board hereby amends Part 389 of its Organization Regulations (14 CFR Part 389) effective April 24, 1969, as follows:

1. Amend § 389.14a to read as follows:

§ 389.14a Furnishing magnetic tapes for copying.

(a) The Director, Bureau of Accounts and Statistics, will furnish, upon written request, one or more magnetic tapes prepared by the Board from air carrier reports filed with the Board, to members of the public for copying by a reputable computer service bureau of the applicant's choosing and at applicant's expense. A fee of two hundred dollars ($200) for each 2,400-foot tape will be charged for permission to make a copy, except that such fee shall be prorated where a full tape is not required for copying. Subject to a minimum charge of twenty-five dollars ($25) per tape, a prorated fee shall be based on the tape footage required for copying the data sought. The Director, Bureau of Accounts and Statistics, shall determine the footage so required on the basis of a standard number of records per inch of tape, using the standard tape blocking factor prescribed for the type of subject matter involved. The request shall include a complete description of the data sought as well as the period or periods of time to which such data relate. The applicant shall undertake to return the tapes to the Board within such time period as may be prescribed by the Director, Bureau of Accounts and Statistics. The applicant, or his agent, shall agree to bear the cost of replacing any tape which may be damaged or destroyed.

(b) Where the tape contains data exempt from disclosure pursuant to 5 U.S.C. 552(b) or which have been withheld from public disclosure by the Board, the Director, Bureau of Accounts and Statistics, may arrange for the copying of the nonconfidential portion of the tape, at the applicant's expense, by the Board facilities or by an outside contractor selected by the Board. When the copying is performed by the Board, the charge for the copying will be seventy-five dollars ($75.00) per computer-metered hour or fraction thereof. Whenever the authority provided by this paragraph is invoked, the applicant shall also pay the fee set forth in paragraph (a) of this section for the privilege of copying.

2. Amend the second paragraph of § 389.15 to read as follows:

§ 389.15 Certification of copies of documents.

* * * * *

(a) Certification of the Secretary, $2. This fee includes clerical services involved in checking the authenticity of records to be certified. If copying of the documents to be certified is required, the copying charges provided for in § 389.14 will be in addition to the charges specified in this section.

3. Amend § 389.21(b) to read as follows:

§ 389.21 Payment of fees.

* * * * *

(b) Unless the Board specifies otherwise, the license fee required by § 389.25(a)(2) shall be paid before the date when the certificate states that it shall become effective if not postponed. Failure of a carrier to make timely payment of a license fee will, in the Board's discretion, constitute a ground for rescission of the authorization to which the fee is attributable.

* * * * *

4. Amend § 389.25(j) and (l) to read as follows:

§ 389.25 Schedule of filing and license fees.

* * * * *

(j) *Other exemptions and Parts 208, 295, and 378 waivers.* (1) Except as provided in subparagraph (2) of this paragraph, the filing fee for (i) an application for exemption under section 101(3) or section 416(b) of the Act, except applications within the provisions of paragraph (h) or (i) of this section, or (ii) a request under § 208.3a, § 295.3, or § 378.30 of this chapter for a waiver of any of the provisions of Part 208, Part 295, or Part 378 of this chapter, respectively, is $55: *Provided*, That the filing fee for an application for exemption for the performance of a specific number of charters (one-way or round-trip) is $55, plus $5 for each charter (one-way or round-trip) described, subject to a maximum fee of $200.

(2) There shall be no filing fee for a request for waiver of the provisions of Part 295 of this chapter in order to permit a carrier to transport passengers who have missed the return flight of their charter group because of illness or injury (to the passengers or members of their immediate families), weather conditions, or unforeseeable and unavoidable delays in ground transportation or connecting air transportation, if (i) the carrier's contract exempts it from responsibility to transport the passengers, and (ii) the carrier has informed the passengers both of the flight time and its lack of responsibility to transport passengers who fail to report in time. In order to qualify under this subparagraph, requests for waiver of Part 295 of this chapter must contain a detailed factual showing that this subparagraph applies, together with supporting documents such as doctors' certificates, if applicable.

* * * * *

(l) *Tour prospectus.* The filing fee for each tour prospectus filed pursuant to § 378.18 or § 378.19 of this chapter is $25.

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958, 72 Stat. 743, 49 U.S.C. 1324(a), 5 U.S.C. 140)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-3500; Filed, Mar. 24, 1969; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1495]

PART 13—PROHIBITED TRADE PRACTICES

John C. Hamilton et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, John C. Hamilton et al. doing business as Chinchilla Breeders of New England, Portland, Conn., Docket C-1495, Feb. 20, 1969]

In the Matter of John C. Hamilton and William Nathaniel, Individuals, Trading and Doing Business as Chinchilla Breeders of New England

Consent order requiring two Portland, Conn., sellers of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of their stock, deceptively guaranteeing the fertility of the stock, and misrepresenting services to their customers.

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

It is ordered, That respondents John C. Hamilton, an individual, and William Nathaniel, an individual, trading as Chinchilla Breeders of New England, or under any other name or names and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements or garages, or other quarters or buildings or that large profits can be made in this manner: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented quarters or buildings have the requisite space, temperature, humidity, ventilation, and other environmental conditions which would make them adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis and that large profits can be made in this manner.

2. Breeding chinchillas, as a commercially profitable enterprise, can be achieved without previous knowledge or experience in the breeding, caring for and raising of such animals.

3. Chinchillas are hardy animals or are not susceptible to disease.

4. Purchasers of respondents' chinchilla breeding stock will receive pedigreed or high quality chinchillas or any other grade or quality of chinchillas: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that purchasers do actually receive chinchillas of the represented grade or quality.

5. Each female chinchilla purchased from respondents and each female offspring will produce at least three live young per year.

6. The number of live offspring produced per female chinchilla is any number or range of numbers: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number or range of numbers of offspring are actually and usually produced by female chinchillas purchased from respondents or the offspring of said chinchillas.

7. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of one to three live offspring at 111-day intervals.

8. The number of litters or sizes thereof produced per female by respondents' chinchilla breeding stock is any number or range thereof: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number or range thereof of litters and sizes thereof are actually and usually produced by chinchillas purchased from respondents or the offspring of said chinchillas.

9. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $20 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell for from $20 to $55 each.

10. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented price, average price, or range of prices are actually and usually realized for pelts produced by chinchillas purchased from respondents or by the offspring of such chinchillas.

11. A purchaser starting with four females and one male will have, from the sale of pelts, an annual income, earnings or profits of $5,000 in the fifth year after purchase.

12. Purchasers of respondents' breeding stock will realize earnings, profits or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits or income of purchasers of respondents' breeding stock unless in fact the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

13. Breeding stock purchased from respondents is guaranteed or warranted without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the identity of the guarantor.

14. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that purchasers are actually given the represented guidance in the care and breeding of chinchillas and are furnished the represented advice by respondents as to the breeding of chinchillas.

15. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

16. The assistance or advice furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise.

17. Respondents' chinchillas are guaranteed unless respondents do in fact promptly fulfill all of their obligations and requirements set forth in or represented, directly or by implication, to be contained in any guarantee or warranty applicable to each and every chinchilla.

B. 1. Misrepresenting in any manner, the assistance, training, services or advice supplied by respondents to purchasers of their chinchilla breeding stock.

2. Misrepresenting, in any manner, the earnings or profits of purchasers of respondents' chinchilla breeding stock.

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

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

Issued: February 20, 1969.

By the Commission.

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

[F.R. Doc. 69-3464; Filed, Mar. 24, 1969; 8:45 a.m.]

[Docket No. C-1497]

PART 13—PROHIBITED TRADE PRACTICES

Lydia Kessler, Ltd., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 *Textile fiber products tags or identification;* § 13.525 *Wool products tags or identification.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act; 13.-1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act; 13.-1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, secs. 2–5, 54 Stat. 1128–1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Lydia Kessler, Ltd., et al., New York, N.Y., Docket C–1497, Feb. 20, 1969]

In the Matter of Lydia Kessler, Ltd., a Corporation, and Lydia Kessler and Frances Van Blarcom, Individually and as Officers of Said Corporation

Consent order requiring a New York City retailer of ladies' ready-to-wear garments to cease misbranding its wool and textile fiber products, and failing to maintain required records.

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

It is ordered, That respondents Lydia Kessler, Ltd., a corporation, and its officers, and Lydia Kessler and Frances Van Blarcom, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Lydia Kessler, Ltd., a corporation, and its officers, and Lydia Kessler and Frances Van Blarcom, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of the stamp, tag, label, or other identification required by the Wool Products Labeling Act of 1939 to be affixed to wool products subject to the provisions of such Act, prior to the time any such wool product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4(a)(2) of said Act.

It is further ordered, That respondents Lydia Kessler, Ltd., a corporation, and its officers, and Lydia Kessler and Frances Van Blarcom, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding such textile fiber products by failing to affix a stamp, tag, label, or other means of identification to each such textile fiber product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Lydia Kessler, Ltd., a corporation, and its officers, and Lydia Kessler and Frances Van Blarcom, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing or causing or participating in the removal or mutilation of the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4 of said Act and the rules and regulations promulgated thereunder and in the manner prescribed by section 5(b) of said Act.

It is further ordered, That respondents Lydia Kessler, Ltd., a corporation, and its officers, and Lydia Kessler and Frances Van Blarcom, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from failing to keep such records when substituting a stamp, tag, label, or other identification pursuant to section 5(b) as would show the information set forth on the stamp, tag, label, or other identification that was removed, and the name or names of the person or persons from whom such textile fiber product was received.

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

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

Issued: February 20, 1969.

By the Commission.

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

[F.R. Doc. 69–3463; Filed, Mar. 24, 1969; 8:45 a.m.]

[Docket No. C–1496]

PART 13—PROHIBITED TRADE PRACTICES

Mandel Bros. & Rosenberg, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Mandel Bros. & Rosenberg, Inc., et al., New York, N.Y., Docket C–1496, Feb. 20, 1969]

In the Matter of Mandel Bros. & Rosenberg, Inc., a Corporation, and Albert Mandel and David Rosenberg, Individually and as Officers of Said Corporation, and Martin G. Mandel, Individually and as General Manager of Said Corporation

Consent order requiring a New York City clothing manufacturer to cease misbranding and false invoicing its fur products and misbranding its wool products.

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

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

A. Misbranding fur products by:

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

2. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

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

2. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondents Mandel Bros. & Rosenberg, Inc., a corporation, and its officers, and Albert Mandel and David Rosenberg, individually and as officers of said corporation, and Martin G. Mandel, individually and as the General Manager of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

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

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth required information, on labels attached to wool products consisting of two or more sections of different fiber content, in such a manner as to show the fiber content of each section in all instances where such marking is necessary to avoid deception.

4. Failing to set forth separately and distinctly as part of the required information on the stamp, tag, label or other mark of identification of a garment which contains an interlining, the fiber content of such interlining as required by Rule 24(b) of the rules and regulation under the Wool Products Labeling Act of 1939.

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

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

Issued: February 20, 1969.

By the Commission.

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

[F.R. Doc. 69-3465; Filed, Mar. 24, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Coordination Product of Zinc Ion and Maneb

A petition (PP 8F0625) was filed with the Food and Drug Administration by the Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing the establishment of tolerances for residues of a fungicide that is a coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product calculated as zinc ethylenebisdithiocarbamate) in or on various raw agricultural commodities.

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerances on all the commodities except: 0.5 part per million in or on onions (dry bulb) and 0.1 part per million (negligible residue) in or on asparagus.

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 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), § 120.176 is amended by revising the last paragraph and adding a new paragraph thereafter, as follows:

§ 120.176 Coordination product of zinc ion and maneb; tolerances for residues.

* * * * *

0.5 part per million in or on corn grain (including popcorn), fresh corn including sweet corn (kernels plus cob with husks removed), cottonseed, kidney, liver, onions (dry bulb), and peanuts.

0.1 part per million (negligible residue) in or on asparagus.

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 18, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-3466; Filed, Mar. 24, 1969; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Fort Hall Indian Irrigation Project, Idaho; Payments

There was published in the FEDERAL REGISTER on January 24, 1969 (34 F.R. 1168-1169), a notice to amend § 221.33 of Part 221 of the Code of Federal Regulations, Title 25—Indians, by providing a grace period from April 1 to July 1, in which the landowners or water users may pay their assessments without a penalty charge.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. Accordingly, the proposed amendment is hereby adopted without change and is set forth below.

Section 221.33 is amended to read as follows:

§ 221.33 Payments.

The assessments fixed in § 221.32 shall become due on April 1 of each year and are payable on or before that date. To all assessments against lands in non-Indian ownership and against lands in

Indian ownership which do not qualify for free water under § 221.34 remaining unpaid on or after July 1 following the due date there shall be added a penalty of one-half of 1 percent per month or fraction thereof from the due date until paid. No water shall be delivered to any of these lands until the entire irrigation charges have been paid. To qualify Indian owned leased lands for exemption under § 221.34, an approved lease must be on file at the Fort Hall Agency.

ROBERT L. BENNETT,
Commissioner of Indian Affairs.

[F.R. Doc. 69-3469; Filed, Mar. 24, 1969; 8:46 a.m.]

PART 221—OPERATION AND MAINTENANCE CHARGES

Blackfeet Indian Irrigation Project, Montana; Correction

In F.R. Doc. 69-2881 appearing at page 5062 in the issue of Tuesday, March 11, 1969, the seventh line under § 221.130 *Basic assessment* should be corrected to read: "* * * lands to which water can be delivered under * * *."

JAMES F. CANAN,
Area Director.

[F.R. Doc. 69-3481; Filed, Mar. 24, 1969; 8:47 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1601—PROCEDURAL REGULATIONS

Filing of Charges

Section 1601.7 is revised to read as follows:

§ 1601.7 Where to file.

Such charge may be filed at the offices of the Commission in Washington, D.C., or at any of its field offices or with any designated representative of the Commission.

(Sec. 713, 78 Stat. 265, 42 U.S.C. 2000e-12)

Because the amendment herein adopted is procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 554, for public notice and delay in effective date are inapplicable. Therefore, this amendment is effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 17th day of March 1969.

[SEAL] CLIFFORD L. ALEXANDER, Jr.,
Chairman.

[F.R. Doc. 69-3462; Filed, Mar. 24, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 199—DEFENSE ORGANIZATIONAL ENTITY STANDARDS (DOES) PROGRAM

The Deputy Secretary of Defense has approved the following:

Sec.
199.1 Purpose.
199.2 Applicability and scope.
199.3 Objective.
199.4 Definitions.
199.5 Policies.
199.6 Responsibilities.
199.7 Security classification.
199.8 Approved Standard Data Element and Related Features.
199.9 Table A and Table B.

AUTHORITY: The provisions of this Part 199 issued under 10 U.S.C. 125, 133, 136.

§ 199.1 Purpose.

Pursuant to DoD Directives 7000.1, August 22, 1966,[1] Directive 5000.11, December 7, 1964,[1] and Directive 5110.1, July 11, 1964 published at 29 F.R. 11539, this part establishes the Defense Organizational Entity Standards (DOES) Program and related policies and responsibilities; and authorizes the development and issuance of related procedures and systems specification.

§ 199.2 Applicability and scope.

The provisions of the program will (a) apply to all elements of the Department of Defense concerned with development, use, and maintenance of data systems; (b) govern the uniform registration and coding of Organizational Entities which must be identified by DoD; (c) govern the uniform management of Organizational Entity Attributes and Attribute Data.

§ 199.3 Objective.

To insure optimum accuracy, uniformity, and economy throughout DoD in the identification of Organizational Entities; and, in the management and provision of data about them.

§ 199.4 Definitions.

(a) *Attribute.* Any quality, characteristic, or circumstance which inheres in or directly relates to Organizational Entities; e.g., name, primary function, communications call sign, and location code.

(b) *Attribute Data.* The specific value of an Attribute as it relates to a given Organizational Entity. For example, the Attribute Data for "Primary Function" of a given OE might be "Procurement."

(c) *Organizational Entity (OE).* A unique framework of authority within which a person or persons act, or can act, towards some (extra-personal or extra-family) purpose; e.g., most things commonly called organization, part of an organization, establishment, activity, unit, enterprise, institution, company, corporation, agency, bureau, office, group, committee.

(NOTE: The definition excludes things like: Geographic locations; "fiscal account," insofar as the intended meaning of that term excludes the authority having accountability; and a mechanical contrivance and/or its function, insofar as the intended meaning excludes associated human resource.)

(d) *Registration.* The record of Attribute Data obtained and maintained about the select Attributes of an Organizational Entity to establish and maintain proof of its existence and unique identity. An Organizational Entity is registered when such a record has been established for it.

§ 199.5 Policies.

(a) The identity of each Organizational Entity which must be identified within DoD will be Registered in accordance with procedures published pursuant to this part. Each registered OE will be assigned a standard Organizational Entity Identity Code (OEI Code) in accordance with the coding criteria prescribed with the approved DoD Standard Data Element "Organizational Entity." (See § 199.8.)

(b) OEI Codes will be used in all newly developed data and communications systems. In all existing data and communications systems, OEI Codes will be implemented at the earliest practicable date, but no later than July 1, 1971. In the interim, any existing symbolic forms for representing OEs will be cross-referenced and maintained with their standard OEI Codes. This cross-reference will be maintained only until the use of existing symbolic forms is no longer required. Any exception to these provisions will require the approval of the Assistant Secretary of Defense (Comptroller).

(c) All Attributes and Attribute Data will be uniformly managed in accordance with procedures published pursuant to this part. To the greatest extent feasible, all Attribute Data for an Organizational Entity will be maintained with its registration.

(d) An Organizational Entity will be designated within each DoD Component as the Data Base Management Office (DBMO) with the functions for registering and coding Organizational Entities of that Component and for managing Attribute Data of that Component's interest. The DBMO shall provide the central point of contact within its Component for all DOES Program matters.

(e) In the interest of economy in organization and with approval of the Assistant Secretary of Defense (Comptroller) and the Secretaries of the Military Departments, the Joint Chiefs of Staff or Agency Directors concerned; one DoD Component may act for, and service, one or more other DoD Components under

[1] See footnote at end of document.

a common service agreement (DoD Directive 4000.19, "Basic Policies and Procedures for Interservice and Interdepartmental Logistic Support (I&L)," [1] Aug. 5, 1967) on any or all matters pertaining to their responsibilities outlined in this part.

(f) Problems resulting from the implementation of provisions of this part will be referred to the Assistant Secretary of Defense (Comptroller) for resolution.

§ 199.6 Responsibilities.

(a) The Assistant Secretary of Defense (Comptroller) shall:

(1) Authorize and coordinate the development, publication and implementation of plans, procedures criteria, and systems specifications for the DOES Program, to insure their optimum interrelationship and their effective and efficient application throughout DoD.

(2) Represent DoD in Government and industry on standards and policy matters pertaining to Organizational Entity identification, coding and data management.

(3) Develop, coordinate, implement, and monitor the provisions of the program as relates to the uniform management of Attributes.

(b) The Joint Chiefs of Staff shall direct, implement and refine within existing authority the DOES Program as pertains to the identification and coding of all Government Organizational Entities of DoD interest, i.e., all those within the U.S. Federal, including the DoD, and all those of Government outside the U.S. Federal (States, Foreign, and International).

(c) The Director, Defense Supply Agency shall direct, implement and refine the DoD-wide system underlying the DOES Program for the identification and coding of all Organizational Entities of DoD interest which are non-Government, i.e., all Organizational Entities other than those specified in paragraph (b) of this section.

(d) The Assistant Secretary of Defense (Administration) shall register and code Organizational Entities established within, or assigned for administrative support to, Office of the Secretary of Defense.

(e) The Secretaries of Military Departments; the Joint Chiefs of Staff; and the Directors of Defense Agencies shall implement the provisions of this part within their Component to:

(1) Identify, register, and code Organizational Entities of that Component.

(2) Manage Organizational Entity Attribute Data for which that Component has primary interest.

(3) Cross-reference and maintain with their standard OEI Codes any existing symbolic forms of representing Organizational Entities, until the use of the existing symbolic forms is no longer required.

§ 199.7 Security classification.

The provisions of DoD Directive 5200.1, "Safeguarding Official Information in the Interests of the Defense of the United States," July 10, 1968,[1] and DoD Instruction 5210.47, "Security Classification of Official Information," December 31, 1964,[1] will apply in determining and treating classified information managed pursuant to the provisions of this part.

§ 199.8 Approved Standard Data Element and Related Features.

(a) *Data Element*—(1) *Name.* Organizational Entity.

(2) *Abbreviation.* OE.

(3) *Definition.* A unique framework of authority within which a person or persons act, or can act, towards some (extra-personal or extra-family) purpose; e.g., most things commonly called organization, part of an organization, establishment, activity, unit, enterprise, institution, company, corporation, agency, bureau, office, group, committee.

(NOTE: The definition excludes things like: Geographic locations; "fiscal account," insofar as the intended meaning of that term excludes the authority having accountability; and a mechanical contrivance and/or its function, insofar as the intended meaning excludes associated human resource.)

(b) *Data Use Identifiers (DUI).* Each separately identified requirement to represent the identity of OE's in coded form will constitute a separate DUI. The name, abbreviation and explanation of each such DUI will be forwarded to the Assigned Responsible Agency for approval and publication.

(c) *Data Item Identification.* Each OE will be uniquely identified and registered with its Name, Abbreviation (when applicable), Explanation (Basic Identification Attributes) and Data Code (Organizational Entity Identity Code, referred to as the OEI Code) in accordance with the provisions of this part.

(d) *Data Item Codes*—(1) *Length of Codes.* 6 characters.

(2) *Structure of Code.* Alpha/numeric.

(3) *OEI Coding criteria.* (i) Only one OEI Code will be assigned to each registered OE.

(ii) The OEI Code may not be assigned to anything other than a registered OE.

(iii) Every OEI Code will be unique and will be six (6) alphabetic and/or numeric characters in structure.

(iv) Alphabetic characters "I" and "O" and any combination of characters which is commonly interpreted to have objectionable meaning, will not be used in OEI Codes.

(v) The OEI Code will be the standard identity code for the OE to which it corresponds and as such may not be changed.

(vi) The OEI Code will be assigned as follows:

(*a*) For each OE established within an Authority Category of the U.S. Federal Government;

(*1*) The high order position of the OEI Code will be the appropriate character, selected from alphabetic characters A through W at Table A (§ 199.9), which designates the Authority Category to which the OE belongs.

(*2*) The second high order position of the OEI Code will be the appropriate character which designates the component of the Authority Category, to which the OE belongs.

(*i*) Designated characters for the Components of the Department of Defense (DoD) are designated at Table B (§ 199.9).

(*ii*) Designated characters for the components of an Authority Category, other than DoD will be assigned as needed in coordination with the Authority Category concerned and published as Table C to this standard.

(*3*) The third, fourth, fifth, and sixth order positions of the OEI Code will be unique permutation of alpha/numeric characters within the Component. The selection or formatting of the characters in such a permutation, or the ordered relationship of such permutation, will not be used to yield significance beyond unique identity of the corresponding OE within the DoD Component.

(*b*) For each OE established within an Authority Category outside the U.S. Federal Government:

(*1*) The high order position of the OEI Code will be the appropriate character selected from the range X, Y, Z, or 0–9 at Table A, which designates the Authority Category to which the OE belongs.

(*2*) The second, third, fourth, fifth, and sixth order positions of the OEI Code will be unique permutation of alpha/numeric characters within the DoD Component. The selection or formatting of the characters in such a permutation, or the ordered relationship of such permutation, will not be used to yield significance beyond unique identity of the corresponding OE within the Component.

(vii) The designated characters for Authority Categories and their Components will be established, published and maintained by the Assigned Responsible Agency for this standard.

(viii) Responsibilities for assigning and registering codes for OEs established within each of the Authority Categories and Federal Agencies specified in Tables A and B (§ 199.9) will be as prescribed in this part.

(e) *Assigned responsible agency*—(1) *Name.* Data Base Management Review Group; DASD(I), ASD(C).

(2) *Address and extension.* Pentagon, Room 3B–885, X–73142 or 73446.

(f) *Standards approval*—(1) *Approved by.* Assistant Secretary of Defense (Comptroller).

(2) *Established.* May 29, 1968.

(3) *Revised.* January 14, 1969.

§ 199.9 Table A and Table B.

TABLE A

AUTHORITY CATEGORY CODES/MEANINGS

Title	Designated characters
Agriculture	A
Labor	B
Commerce	C
Defense	D
Executive Branch Offices	E
Justice	F
Transportation	G
Health, Education, and Welfare	H
Judicial Branch	J
Interior	K
Legislative Branch	L
Housing and Urban Development	M
State	N
Post Office	P

[1] See footnote at end of document.

TABLE A—Continued

Title	Designated characters
Treasury	Q
Reserved for Future Use	R
Independent Federal Agencies	S, T, U, V, W
State Governments	X
Foreign Governments	Y
International Organizations	Z

TABLE B

COMPONENT CODES/MEANINGS

Title	Designated characters
Department of the Army	A
Office of Civil Defense	C
Office of Secretary of Defense (and OASD's)	D
Department of the Air Force	F
National Security Agency (NSA)	G
Defense Atomic Support Agency (DASA)	H
Joint Chiefs of Staff (including the Joint Staff, Unified or Specified Commands and Joint Service Schools)	J
Defense Communications Agency (DCA)	K
Defense Intelligence Agency (DIA)	L
United States Marine Corps (USMC)	M
Department of the Navy (U.S. Navy) (USN)	N
U.S. Coast Guard	[1] P
Defense Contract Audit Agency (DCAA)	R
Defense Supply Agency (DSA)	S
Quasi-official Defense Activities	Q

[1] Authority Category Character "G", Department of Transportation, with Component Code "P", will be used in codes for Coast Guard OEs.

NOTE: Letters "I" and "O" are excluded from use.

Numeric Codes 0 through 9 are reserved for future use in coding of non-Government Organizational Entities.

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

[F.R. Doc. 69-3460; Filed, Mar. 24, 1969; 8:45 a.m.]

[1] Filed as part of original document. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. 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 19th 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, except as otherwise authorized in subparagraph (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, or with inside length 40 feet or longer and with side-door openings 8 feet 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) Boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the car owner only if routed via the car owning railroad.

(5) 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 subparagraphs (1) and (4) of this paragraph.

(6) Each common carrier by railroad must advise Mr. R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., each Wednesday, by ownership, the total number of cars loaded during the preceding week, as authorized by subparagraph (4) 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 21, 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. 69-3492; Filed, Mar. 24, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED APPLESAUCE

Identity Standard; Listing of Nutritive Sweeteners and Change of Label Declaration

Notice is given that a petition has been filed by National Canners Association, 1133 20th Street NW., Washington, D.C. 20036, proposing that the standard of identity for canned applesauce (21 CFR 27.80) be amended (1) to specify the nutritive sweeteners that may be used, (2) to permit their label declaration by common names or by the term "sweetener added," and (3) if the name of the food includes the word "sweetened" in accordance with the present standard, not to require any other label declaration that sweeteners have been added.

The principal support given in the petition is that compliance with the present standard requires manufacturers and distributors to maintain multiple stocks of labels that are different only in declaration by common names of the various nutritive sweeteners used in order to properly declare variations in sweetening formulas. Such variations are the consequence of: (1) Changes in relative prices of sweeteners, (2) characteristics of the fruit (moisture, maturity, and variety), and (3) the desire to satisfy different geographic markets.

Accordingly, it is proposed that § 27.80 (b)(5) and (d)(2) be revised to read as follows:

§ 27.80 **Canned applesauce; identity; label statement of optional ingredients.**

* * * * *

(b) * * *

(5) One or more of the following nutritive sweeteners: Sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup.

* * * * *

(d) * * *

(2) Nutritive sweeteners shall be declared by the common name or names of the sweetener or sweeteners used or, in lieu thereof, by the term "sweetener added," except that no declaration of added sweeteners is required if the name of the food includes the word "sweetened" in accordance with paragraph (c) of this section.

* * * * *

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: March 17, 1969.

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

[F.R. Doc. 69-3467; Filed, Mar. 24, 1969; 8:45 a.m.]

[21 CFR Part 144]

ANTIBIOTIC DRUGS FOR DIAGNOSTIC USE

Exemptions From Labeling and Certification Requirements

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that § 144.14 be amended: (1) To clarify the fact that exemption under that section does not apply to diagnostic powders certified under two recently promulgated monographs but only to dispensing vials not filled with the precise amount of antibiotic and that such an exemption will require labeling instructions that the powder must be weighed before use, (2) to delete allowance for use of buffers and diluents in powders to be weighed, (3) to restrict vial size to 1 gram, and (4) to provide requirements for identity testing.

Accordingly, it is proposed that § 144.14 be revised to read as follows:

§ 144.14 **Antibiotics for diagnostic use.**

Antibiotics packaged for the withdrawal of individually weighed portions and intended for use solely in laboratory procedures in connection with the diagnosis or treatment of disease and conspicuously so labeled shall be exempt from the certification requirements of sections 502(l) and 507 of the act if they comply with all the following conditions:

(a) The potency, moisture content, and identity comply with the standards prescribed for the antibiotic by the specific regulations issued in this chapter.

(b) It is packaged in immediate containers that are tight containers as defined by the U.S.P. Each such container shall contain not more than 1 gram.

(c) Each package bears on the label or labeling of its outside wrapper or container and the immediate container the following:

(1) The statements "For the withdrawal of individual portions of antibiotic. Each portion must be weighed before use. Diagnostic reagent. For professional use only."

(2) The number of milligrams or grams contained in each immediate container and the potency per milligram.

(3) The batch mark.

(4) The statement "Expiration date ----------," the blank being filled in with the date that does not exceed the expiration date authorized for the antibiotic by this chapter.

(d) The circular or other labeling within or attached to the package bears directions adequate for the use of such drug.

CROSS REFERENCES: For tests and methods of assay and certification of antibiotic sensitivity discs for laboratory diagnosis of disease, see §§ 147.1 and 147.2 of this chapter.

Any interested person may, within 30 days from the date of publication of this notice 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 comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 18, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3468; Filed, Mar. 24, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 73]

[Docket No. 18495; FCC 69-253]

BROADCAST LICENSE RENEWAL APPLICATIONS

Notice of Proposed Rule Making

In the matter of amendment of § 1.580 of the rules, governing public notice of broadcast license renewal applications, and §§ 1.227, 1.516, 1.571, and 1.591, relating to applications mutually exclusive therewith, Docket No. 18495.

1. Delays which interfere with action on broadcast license renewal applications by the time the current license term expires have in numerous cases resulted from the fact that § 1.580 of the Commission's rules requires that public notice of license renewal applications—as in

the case of other types of broadcast applications—be published and broadcast after the renewal application is filed. Verification of the giving of such public notice must subsequently be filed with the Commission before it acts on the application.

2. This sequence is not necessary for license renewal applications, which are regularly required under § 1.539(a) to be filed no later than 90 days before the current license term expires. It would make for more expeditious processing and timely action on license renewal applications if the required public notice were given during the 6-week period before the application is filed, and if verification of such public notice were filed with the application. We propose to so amend the rules, in the manner set out in the appended changes to paragraphs (c), (d), and (f) of § 1.580, and new paragraph (m) in § 1.580.[1]

3. It is desirable that we also amend the procedural rules governing the filing of applications for new broadcast stations and for modification of construction permits and licenses of existing broadcast stations which are mutually exclusive with applications for license renewal. The orderly and timely processing of such renewal applications requires that there be a date certain, prior to the expiration of the current license term, by which the Commission and the license renewal applicant may be informed concerning the filing of mutually exclusive applications.

4. Taking into account the normal scheduling of staff and Commission review of license renewal applications during the 90-day period preceding the expiration of current license terms, it would facilitate the processing of both renewal applications and any other applications mutually exclusive therewith if the latter are tendered for filing, in substantially complete form, 2 weeks before the expiration of the current license term. This would, in the case of timely filed renewal applications, enable the Commission to complete their processing and, where they are otherwise in order, to grant renewals of license before the current license term expires. It would also provide interested persons opportunity to complete and file mutually exclusive applications up to 2½ months after license renewal applications are required to be filed (they are required to be filed 90 days before license expiration). The appended amendments to §§ 1.227, 1.516, 1.571, and 1.591 so provide. The appended amendment to § 1.516(e) provides for a similar interval in the case of late-filed license renewal applications.

5. This change should cause no hardship since persons interested in filing applications mutually exclusive with license renewal applications have ample notice, in our rules, of the fixed dates when all broadcast station licenses in given geographical areas regularly expire, and of the requirement for the filing of license renewal applications 90 days before the expiration of the current license term. The established practice of the cutoff of applications mutually exclusive with applications for standard broadcast stations within 30 days after the Commission gives public notice of the cutoff date similarly enables the Commission to process such applications in an orderly manner.

6. Similar considerations warrant a simultaneous deadline for filing petitions to deny license renewal applications. It is proposed in the appended amendment to § 1.580(i).

7. Authority for the adoption of the amendments set forth below is contained in sections 4(i), 303(f), and 307 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 11, 1969, and reply comments on or before April 18, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching the decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

9. In accordance with the provisions of § 1.419 of the rules an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: March 19, 1969.

Released: March 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

1. Section 1.227 is amended by inserting the words "except as provided in subparagraph (5) of this paragraph," in paragraph (b)(1) after the opening phrase "In broadcast cases," and by adding new paragraph (b)(5). The amended portions of § 1.227 read as follows:

§ 1.227 Consolidations.

* * * * *

(b) (1) In broadcast cases, except as provided in subparagraph (5) of this paragraph, no application will be consolidated for hearing with a previously filed application or applications unless such application, or such application as amended, if amended so as to require a new file number, is substantially complete and tendered for filing by whichever date is earlier: (i) The close of business on the day preceding the day the previously filed application or one of the previously filed applications is designated for hearing; or (ii) the close of business on the day preceding the day designated by public notice published in the FEDERAL REGISTER as the day any one of the previously filed applications is available and ready for processing.

NOTE: Subdivision (ii) of this subparagraph applies only to standard broadcast applications for new stations or for major changes in the facilities of authorized stations. See also §§ 1.571 (c) and (h), and 1.591(a).

* * * * *

(5) An application which is mutually exclusive with an application for renewal of license of a broadcast station will be designated for comparative hearing with such license renewal application if it is substantially complete and tendered for filing no later than the date prescribed in § 1.516(e).

2. Section 1.516 is amended by adding new paragraph (e), reading as follows:

§ 1.516 Specification of facilities.

* * * * *

(e) An application for a construction permit for a new broadcast station or for modification of construction permit or license of a previously authorized broadcast station will not be accepted for filing if it is mutually exclusive with an application for renewal of license of an existing broadcast station and is tendered for filing after the 15th day of the last full calendar month of the expiring license term: *Provided*, That if the license renewal application is not timely filed as prescribed in § 1.539(a), the deadline for filing applications mutually exclusive therewith is the 75th day after the Commission gives public notice that it has accepted the late-filed renewal application for filing: *And provided further*, That if any deadline prescribed in this subparagraph falls on a nonbusiness day, the cutoff shall be the close of business of the first full business day thereafter.

NOTE: The dates when the licenses of standard, FM, noncommercial FM, television and TV translater broadcast stations regularly expire are listed in §§ 73.34, 73.218, 73.518, 73.630, and 74.15, respectively.

3. Section 1.571(c) is amended by changing the final period to a colon, and adding the following proviso:

§ 1.571 Processing of standard broadcasting applications.

* * * * *

(c) * * * *Provided*, That applications which are mutually exclusive with applications for renewal of license of standard broadcast stations will not be so listed in such a public notice, but will be treated as available and ready for processing upon timely filing as provided in § 1.516(e).

* * * * *

4. Section 1.580 is amended by changing the caption, changing the final period of paragraph (c) to a colon and adding an additional proviso to paragraph (c), similarly adding a proviso to the introductory portion of paragraph (d), revising the introductory portion of paragraph (d), revising the introductory

[1] Stations whose licenses expire Aug. 1, 1969 (renewal applications due May 1) may give public notice in accordance with the proposed new rule; proof of public notice submitted with the application will be deemed to fulfill the notice requirement of present section 1.580.

[2] Concurring statement of Commissioner Johnson filed as part of the original document.

portion of paragraph (f), revoking paragraph (f)(9), revising the second proviso to paragraph (i), reserving paragraph (l) and introducing new paragraph (m). The amended portions of § 1.580 read as follows:

§ 1.580 Local notice of the filing of broadcast applications, and timely filing of petitions to deny them.

* * * * *

(c) * * * *And provided further,* That in the case of applications for the renewal of station licensees, but not amendments thereof, notice shall be published prior to filing as prescribed in paragraph (m) of this section, instead of after filing, as prescribed in this paragraph.

(d) If the application seeks modification, assignment, transfer, or renewal of an operating broadcast station (except for applications for stations in the international broadcast service and for television translator stations), the applicant shall, in addition to publishing a notice of such filing as provided in paragraph (c) of this section, cause the same notice to be broadcast over that station at least once daily on 4 days in the second week immediately following the tendering for filing of such application, or in the second week immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578: *Provided, however,* That in the case of applications for the renewal of station licenses, but not amendments thereof, notice shall be broadcast prior to filing, as prescribed in paragraph (m) of this section, instead of after filing, as provided in this paragraph. In the case of television broadcast stations and noncommercial educational television broadcast stations, such notice shall be broadcast orally with camera focused on the announcer. The notice required by this paragraph shall be broadcast during the following periods:

* * * * *

(f) The notice required by paragraphs (c) and (d) of this section shall contain the following information, except as otherwise provided in paragraph (m) of this section in the case of license renewal applications:

* * * * *

(9) [Revoked]

* * * * *

(i) Any party in interest may file with the Commission a petition to deny any such application (whether as originally filed or amended) no later than 30 days after issuance of a public notice of the acceptance for filing of any such application or amendment thereto: *Provided, however,* That in the case of applications for standard broadcast facilities, petitions to deny may be filed at any time prior to the day of Commission grant thereof without hearing or the day of formal designation thereof for hearing; but where the Commission issues a public notice pursuant to the provisions of § 1.571(c) listing standard broadcast applications as available and ready for processing, no petitions to deny any such listed application will be accepted after the "cut off" date specified in the public notice: *And provided further,* That in the case of applications for renewal of license, petitions to deny may be filed at any time prior to the last day for filing mutually exclusive applications under § 1.516(e). Petitions to deny shall contain specific allegationss of fact sufficient to show that the petitioner is a party, in interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.

* * * * *

(l) [Reserved]

(m) (1) Paragraphs (a) through (k) of this section apply to applications for the renewal of station licenses except that:

(i) Notices required under paragraphs (c), (d), and (g) of this section shall be given to the public, in the prescribed manner, and at the prescribed times during the prescribed number of weeks, but during the 6-week period preceeding the date specified in § 1.539(a) for the timely filing of license renewal applications, instead of after the application is filed.

(ii) The information contained in the public notice prescribed in paragraphs (f) and (g) of this section shall reflect the prospective (rather than the previous) filing of the license renewal application.

(iii) Notices for stations subject to paragraphs (c) and (d) of this section shall include the following statement, in addition to the information required under paragraph (f) (1) and (4) of this section:

> The application of this station for renewal of its license to operate in the public interest is required to be filed with the Federal Communications Commission no later than (insert here the date prescribed in § 1.539(a)). Members of the public who desire to bring to the Commission's attention facts concerning the operation of this station should write to the Federal Communications Commission, Washington, D.C. 20554, not later than (insert here the date 30 days after the last day for timely filing of the license renewal application). Letters should set out in detail the specific facts which the writer wishes the Commission to consider in passing on the application.
>
> A copy of the license renewal application and related material will, upon filing with the Commission, be available for public inspection at (state here the the address where station records are made available for public inspection as required by § 1.526(d)) between the hours of ------ and ------. (Regular business hours)

(iv) The statement containing the information prescribed in paragraph (h) of this section shall be filed with the license renewal application.

(2) Paragraphs (a) through (k) of this section apply, without change, to major amendments to license renewal applications, to which § 1.578(a) applies.

5. Section 1.591 is amended by changing the final period of paragraph (b) to a semicolon and adding new subparagraph (3) reading as follows:

§ 1.591 Grants without hearing of authorizations other than licenses pursuant to construction permits.

* * * * *

(b) * * * or (3) the date prescribed in section 516(e) in the case of applications which are mutually exclusive with applications for renewal of license of broadcast stations.

* * * * *

§§ 73.34, 73.218, 73.518, 73.630, 74.15 [Amended]

6. The following identical note is added at the end of §§ 73.34, 73.218, 73.518, 73.630, and following paragraph (d) of § 74.15.

NOTE: For the cutoff date for the filing of applications mutually exclusive with, and petitions to deny, renewal applications, see § 1.516(e) of this chapter.

[F.R. Doc. 69-3486; Filed, Mar. 24, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18425]

OPERATION OF TELEVISION BROADCAST STATIONS BY REMOTE CONTROL

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73, Subpart E of the Commission's rules and regulations governing television broadcast stations concerning the operation of television broadcast stations by remote control, Docket No. 18425, RM-1340.

1. On January 17, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69-48) inviting comments on a proposal to permit the operation of VHF television stations by remote control. The dates designated for the filing of comments and reply comments were March 28 and April 11, 1968, respectively.

2. On March 14, 1969, A. Earl Cullum, Jr., and Associates (Cullum) requested the Commission to extend, for a period of 30 days, the dates for filing comments and reply comments. Cullum calls to the attention of the Commission the fact that both the National Association of Broadcasters and the Institute of Electrical and Electronics Engineers are holding national conventions during the week of March 24. Cullum states that engineers who might otherwise be able to work on preparation of the comments will be involved in the convention activities. He further states that his firm is endeavoring to review the proposed rule making with engineering and management personnel of the television stations represented by them in order to enable their inclusion of their thinking and problems in their comments, and hope they will be able to pursue the review with engineering and management personnel at the conventions.

3. It appears that the additional time requested is warranted. *Accordingly, it is ordered,* That the time for filing comments and reply comments is extended to April 25, 1969, and May 9, 1969, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: March 17, 1969.

Released: March 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-3488; Filed, Mar. 24, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-8549]

ACQUISITION OF STOCK AND OPTIONS UNDER CERTAIN STOCK BONUS, STOCK OPTION OR SIMILAR PLANS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission (pursuant to the authority contained in sections 16(b) and 23(a) of the Securities Exchange Act of 1934, 48 Stat. 896 and 901, as amended, 15 U.S.C. 78p and 78w) has under consideration a proposed amendment to Rule 16b-3 (17 CFR 240.-16b-3) under the Securities Exchange Act of 1934. That rule exempts from section 16(b) of the Act the acquisition of certain securities pursuant to stock bonus, profit sharing, retirement and similar plans which meet certain specified conditions. The rule exempts the acquisition of shares of stock other than stock acquired upon the exercise of options, warrants or rights. It also exempts the acquisition of restricted, qualified and employee stock purchase plan stock options, but not the acquisition of stock upon the exercise of such options.

Paragraph (d)(3) of Rule 16b-3 provides that the term "exercise of an option, warrant or right," as used in the rule, does not include the making of an election to receive under any plan an award of compensation in the form of stock or credits therefor, subject to certain conditions. In some instances the election to receive stock under a plan is made at the time of the award and relates to stock to be received over a period of several years. Other plans provide for the making of the election annually with respect to the portion of the award relating to the particular year. It is proposed to amend paragraph (d)(3) of the rule to provide that an election made on an annual basis is not deemed to be the "exercise of an option, warrant or right," within the meaning of the rule, provided it is made not less than 15 days prior to the fulfillment of all conditions to the receipt of the compensation.

Paragraph (d)(3) of § 240.16b-3 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended to read as follows:

§ 240.16b-3 Exemption from section 16(b) of acquisition of shares of stock and stock options under certain stock bonus, stock option or similar plans.

* * * * *

(d) * * *

(3) The term "exercise of an option, warrant or right, contained in the parenthetical clause of the first paragraph of this rule shall not include (i) the making of any election to receive under any plan compensation in the form of stock or credits therefor provided that such election is made not less than 15 days prior to the fulfillment of all conditions to the receipt of the compensation and, provided further, that such election is irrevocable until at least 6 months after termination of employment; (ii) the subsequent crediting of such stock; (iii) the making of any election as to the time for delivery of such stock after termination of employment: *Provided,* That such election is made at least 6 months prior to any such delivery; (iv) the fulfillment of any condition to the absolute right to receive such stock; or (v) the acceptance of certificates for shares of such stock.

* * * * *

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before April 11, 1969. All such communications will be considered available for public inspection.

By the Commission, March 12, 1969.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3472; Filed, Mar. 24, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

MISSION DIRECTOR AND DEPUTY MISSION DIRECTOR, USAID/INDIA

Redelegation of Authority

Pursuant to the authority delegated to the Assistant Administrator, Bureau for Near East and South Asia, by Delegation of Authority No. 23, dated December 28, 1962, as amended, and to the Assistant Administrator, Office of Private Resources, by delegation of Authority No. 39, dated April 13, 1964, as amended, we hereby redelegate to each of the individuals listed above for the area within their responsibility, and to any person acting in their official capacity, authority to perform the following functions pursuant to section 104(e) of the Agricultural Trade Development and Assistance Act of 1954, as amended, relating to loans (hereinafter "Cooley Loans"), retaining for ourselves concurrent authority to exercise any of the functions herein redelegated:

(1) Authority to authorize Cooley Loans or increases thereof in amounts up to Rs. 15 million;

(2) Authority to negotiate Cooley Loans in accordance with the terms of the authorization of such loans;

(3) Authority to execute and deliver loan agreements and amendments thereto with respect to Cooley Loans;

(4) Authority to implement loan agreements with respect to Cooley Loans including the authority to negotiate, execute and implement all agreements and other documents ancillary to such loan agreements.

The authorities described above in paragraph 3 are also hereby redelegated to the U.S. Ambassador to India under the same terms and conditions set forth herein.

The authorities described above in paragraph 4 may be redelegated by each of the individuals listed above as appropriate.

There shall be no rupee limitation on the exercise of the authorities described above in paragraphs 2, 3, and 4.

The redelegation of authority dated June 11, 1965, from William B. Macomber, Jr., Assistant Administrator, Bureau for Near East and South Asia, to the Mission Directors and Deputy Mission Directors in India, Pakistan, and Turkey is hereby rescinded insofar as it applies to the Mission Director, Deputy Mission Director and U.S. Ambassador in India.

This redelegation of authority is effective immediately.

HERBERT SALZMAN,
Assistant Administrator,
Office of Private Resources.

MARCH 10, 1969.

MAURICE J. WILLIAMS,
Assistant Administrator, Bureau
for Near East and South Asia.

MARCH 10, 1969.

[F.R. Doc. 69-3476; Filed, Mar. 24, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[461.161]

SECOND CLEAR WHEAT FLOUR

Notice of Extension of Period for Submission of Material With Respect to Tariff Classification

MARCH 18, 1969.

The period set forth in the notice published in the FEDERAL REGISTER of February 28, 1969 (34 F.R. 3635), within which to submit data, views, or arguments with respect to the tariff classification of second clear wheat flour is hereby extended for an additional period of 60 days from the date of publication of this notice.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-3484; Filed, Mar. 24, 1969; 8:47 a.m.]

Internal Revenue Service

[Order No. 42 (Rev. 2)]

DIRECTOR, ALCOHOL, TOBACCO AND FIREARMS DIVISION, ET AL.

Delegation of Authority

Authority to execute consents fixing the period of limitations on assessment or collection under provisions of the 1939 and 1954 Internal Revenue Codes.

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 120, dated July 31, 1950; Order No. 150-2, dated May 15, 1952; 26 CFR 301.6501 (c)-1; 26 CFR 301.6502-1; and 26 CFR 301.7701-9; I hereby delegate authority to sign all consents fixing the period of limitations on assessment or collection to the following officials:

a. Director, Alcohol, Tobacco and Firearms Division.

b. Assistant Regional Commissioners (Appellate).

c. Assistant Regional Commissioners (Alcohol, Tobacco and Firearms).

d. Service Center Directors.

e. District Directors.

f. Director of International Operations.

2. This authority may be redelegated but not below the following level for each activity:

a. Data Processing—Chief, Master File Accounts Section.

b. Collection—Revenue Officer.

c. Audit—Conferees and Reviewers, Grade GS-11, and Group Supervisors.

d. Intelligence—Chief, Intelligence Division.

e. Appellate—Appellate Conferee.

f. Alcohol, Tobacco and Firearms—Branch Chief, National and Regional Offices.

g. Office of International Operations—Conferees and Reviewers, Grade GS-11; Group Supervisors; Representatives at foreign posts; and Revenue Agents and Special Agents on foreign assignments; and Revenue Officers.

3. This order supersedes Delegation Order No. 42 (Rev. 1), which was effective January 6, 1969.

Issued: March 20, 1969.

Effective date: March 20, 1969.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner.

[F.R. Doc. 69-3485; Filed, Mar. 24, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ASSISTANT AREA DIRECTORS, ABERDEEN AREA OFFICE, S. DAK.

Redelegation of Authority

1. The Assistant Area Directors for Administration, Economic Development, Community Services and Education, Bureau of Indian Affairs, Aberdeen Area Office, Aberdeen, S. Dak., are hereby authorized to exercise all the power and authority of the Area Director of the Aberdeen Area Office, within their respective areas of responsibility, as delegated by the Commissioner of Indian Affairs in line with Secretarial Order No. 2508 and as provided in 10 BIAM 3.

2. In the absence of the above-identified Assistant Area Directors, Persons authorized to act in their stead may exercise any and all authority conferred upon the Area Director by the Commissioner of Indian Affairs.

3. Delegation of authority included herein is not construed as depriving the Area Director of the authority conferred

upon him by the Commissioner of Indian Affairs.

4. The effective date of this delegation will be the date of signature by the Area Director.

MARTIN N. B. HOLM,
Area Director, Bureau of Indian Affairs, Aberdeen Area Office, Aberdeen, S. Dak.

MARCH 10, 1969.

[F.R. Doc. 69-3499; Filed, Mar. 24, 1969; 8:48 a.m.]

ASSISTANT AREA DIRECTORS, BILLINGS AREA OFFICE, MONT.

Redelegation of Authority

1. The Assistant Area Directors, Bureau of Indian Affairs, Billings Area Office, are authorized to exercise all the power and authority of the Area Director of the Billings Area Office, as delegated by the Commissioner of Indian Affairs in 10 BIAM 3. This redelegation also includes future authorities of the Commissioner to the Area Director.

2. In the absence of the Area Director and the Assistant Area Directors, persons authorized to act in their stead may exercise any and all authority conferred upon the Area Director by the Commissioner of Indian Affairs.

3. The effective date of this delegation is the date of signature by the Area Director.

Dated: March 11, 1969.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 69-3470; Filed, Mar. 24, 1969; 8:46 a.m.]

Bureau of Land Management

[Serial No. F-460]

ALASKA

Notice of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the settlement laws (48 U.S.C. 371-380a, 43 U.S.C. 461, 48 U.S.C. 357), and from location under the mining law (30 U.S.C. 21), and the lands shall remain open to all other applicable forms of appropriation including the mineral leasing laws.

2. The only adverse comment received following publication of the notice of proposed classification (32 F.R. 4453), was subsequently modified. No adverse comments were received at the public hearing held at Fairbanks, Alaska, on May 10, 1967. The record showing the comments received and other information is on file and can be examined in the Fairbanks District and Land Office, Fairbanks, Alaska. The public lands affected by this classification are located within the following described area, and are shown on maps in the Fairbanks District and Land Office, Post Office Box 1150 (516 Second Avenue), Fairbanks, Alaska 99701, and the State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501:

NORTHERN ALASKA

TRACT A

Beginning at a point southwest of Livengood, Alaska, at latitude 65°30'45" N. and longitude 148°34'36" W., thence: N. 76°59' W., 1 mile; N. 13°01' E., 5.70 miles; N. 31°21' W., 6.50 miles; N. 70°50' W., 40.50 miles; north 9.30 miles to latitude 66°00' N., longitude 150°00' W.; east 9.90 miles on latitude 66°00' N.; S. 70°50' E., 26.30 miles; S. 31°21' E., 18.60 miles; S. 13°01' W., 9.50 miles; N. 76°59' W., 1 mile to the point of beginning; containing approximately 325,648 acres.

TRACT B

Beginning at a point found at latitude 65°52'03" N., longitude 150°00' W., thence: N. 70°50' W., 6.80 miles; N. 23°41' W., 7.80 miles to latitude 66°00' N.; east 9.50 miles; south 9.30 miles; to the point of beginning; containing approximately 11,008 acres.

TRACT C

Beginning at a point found at latitude 66°00'00" N., longitude 149°39'10" W., thence: N. 70°50' W., 10.50 miles; south 3.40 miles; east 9.92 miles to the point of beginning; containing approximately 7,494 acres.

TRACT D

Beginning at a point found at latitude 66°00'00" N., longitude 150°20'10" W., thence: N. 23°41' W., 22 miles; N. 66°06' E., 3 miles; N. 23°54' W., 13.90 miles; N. 53°33' W., 12.30 miles; N. 17°32' W., 17.20 miles; N. 69°30' W., 24.80 miles to latitude 67°00' N.; east 17.70 miles on latitude 67°00' N.; S. 16°19' E., 1.25 miles; S. 69°30' E., 11.60 miles; S. 17°32' E., 24.40 miles; S. 53°33' E., 5.40 miles; S. 23°54' E., 14.90 miles; N. 66°06' E., 3 miles; S. 23°41' E., 22.70 miles to a point at longitude 150°00' W., south 3.20 miles along longitude 150°00' W. to latitude 66°00' N.; west 9.30 miles to the point of beginning; containing approximately 311,725 acres.

TRACT E

Beginning at a point found at latitude 67°00'00" N., longitude 152°04'24" W., thence: N. 69°30' W., 1.70 miles; N. 16°19' W., 11.50 miles; N. 73°41' E., 6 miles; N. 12°05' W., 17.20 miles; N. 77°55' E., 1.50 miles; N. 23°50' W., 24.55 miles; N. 25°26' E., 18.91 miles to latitude 68°00' N.; east 3.21 miles on latitude 68°00' N.; S. 25°26' W., 18.85 miles; S. 23°50' E., 23.90 miles; N. 77°55' E., 1.50 miles; S. 12°05' E., 16.70 miles; N. 73°41' E., 6 miles; S. 16°19' E., 17.60 miles to latitude 67°00' N.; west 17.74 miles to the point of beginning; containing approximately 317,181 acres.

TRACT F

Beginning at a point found at latitude 68°00'00" N., longitude 152°11'21" W., thence: N. 25°26' E., 5.60 miles; N. 65°12' E., 13 miles; N. 16°47' E., 8.60 miles; N. 82°36' W., 2 miles; N. 07°24' E., 23.45 miles; N. 33°53' W., 20.80 miles; N. 04°37' E., 8.70 miles to latitude 69°00' N.; east 4 miles on latitude 69°00' N.; S. 04°37' W., 5.70 miles; S. 33°53' E., 34 miles; N. 41°03' E., 18.40 miles; N. 79°44' E., 16 miles to a point on longitude 150°00' W.; south 8 miles on longitude 150°00' W.; S. 79°44' W., 15.45 miles; S. 41°03' W., 33.50 miles; S. 16°47' W., 5.90 miles; S. 65°12' W., 14.80 miles; S. 25°26' W., 3.30 miles to a point on latitude 68°00' N.; west 3.40 miles to the point of beginning; containing approximately 302,112 acres.

TRACT G

Beginning at a point found at latitude 69°00'00" N., longitude 152°00'32" W., thence: N. 04°37' E., 2.70 miles; N. 57°44' W., 8.70 miles; N. 11°49' E., 19.10 miles; N. 71°00' E., 20.80 miles; S. 24°14' E., 2 miles to a point at latitude 69°26'32" N., longitude 151°19'45" W.; S. 24°14' E., 2 miles; S. 71°00' W., 16.10 miles; S. 11°49' W., 14 miles; S. 57°44' E., 7.25 miles; S. 04°37' W., 2.70 miles to a point on latitude 69°00' N.; west 4 miles, latitude 69°00' N. to the point of beginning; containing approximately 96,211 acres.

TRACT H

Beginning at a point found at latitude 68°46'20" N., longitude 150°00'00" W., thence: N. 26°13' E., 12.10 miles; N. 68°24' E., 4.60 miles; N. 08°09' E., 3.55 miles to a point at latitude 69°00' N.; east 20.50 miles on latitude 69°00' N.; S. 08°09' W., 6.70 miles; S. 68°24' W., 18.20 miles; S. 26°13' W., 12.70 miles; S. 79°44' W., 7.20 miles to a point at longitude 150°00' W.; north 9.65 miles on longitude 150°00' W.; to the point of beginning; containing approximately 243,200 acres.

TRACT I

Beginning at a point found at latitude 69°00'00" N., longitude 149°35'48" W., thence: N. 12°10' E., 41.30 miles; S. 77°50' E., 10 miles to USC&GS Station Susie; S. 77°50' E., 10 miles; S. 12°10' W., 37 miles to a point at latitude 69°00' N.; west 20.50 miles on latitude 69°00' N. to the point of beginning; containing approximately 504,102 acres.

The public lands in the area described aggregate approximately 2,436,400 acres.

3. The one adverse comment received toward the proposed classification was a general protest to the segregation of this size of an area from operation of the mining laws. Throughout the period of the proposed classification, the public, State and Federal agencies have stated their position of needing segregation from the operation of the mining laws until the engineering and construction of a surface route can be accomplished. At that time, the Bureau of Land Management will reexamine the situation and retain segregation from the mining laws only for those lands which can be shown to be of more value for uses incompatible with mining.

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2(c).

BURTON W. SILCOCK,
State Director.

MARCH 20, 1969.

[F.R. Doc. 69-3516; Filed Mar. 24 1969; 8:48 a.m.]

CHIEF, DIVISION OF ADMINISTRATION/ADMINISTRATIVE OFFICER, FILLMORE DISTRICT, UTAH

Delegation of Authority Regarding Contracts and Leases

District Manager, Fillmore District, Utah, Supplement to Bureau of Land Management, Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510–03B2c, and redelegated to the District Manager by Utah State Office Manual Supplement, 1–20 dated March 21, 1968, the Chief, Division of Administration/Administrative Officer, Fillmore District, is authorized:

1. To enter into contracts with established sources for supplies, materials, and services, excluding capitalized and major noncapitalized equipment, not to exceed $1,000 per order, and

2. To enter into contracts on the open market for supplies, materials, and services (excluding capitalized and major noncapitalized equipment) not to exceed $500 per order, and

3. To enter into negotiated contracts without advertising pursuant to section 302(c)(2) of the FPAS Act, as amended, for rental of equipment and aircraft covered by offer agreements necessary for the purpose of emergency fire suppression.

B. This authority cannot be redelegated.

This delegation cancels and replaces delegations published in the FEDERAL REGISTER, Vol. 33, No. 74, dated Tuesday, April 16, 1968.

W. D. BROUGH,
District Manager.

[F.R. Doc. 69-3471; Filed, Mar. 24, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 182-B, Amdt. 4]

BUREAU OF INTERNATIONAL COMMERCE

Organization and Functions

This material further amends the material appearing at 30 F.R. 2041 of February 13, 1965; and 33 F.R. 8553 of June 11, 1968.

Department Order 182-B of February 1, 1965, is hereby further amended as follows:

1. In section 2 *Organization*, subparagraph .01a is amended to read:

a. Director.
Deputy Director.
Assistant Director.
Executive Secretary to the Foreign-Trade Zones Board.
International Organizations Staff.
Export Strategy Staff.

2. In section 3 *Functions of Organization units:*

a. A new paragraph .06 is added to read:

.06 The Export Strategy Staff shall be responsible for the development, implementation and review of a National Export Strategy; the continuing identification and analysis of major issues affecting U.S. international trade, and the formulation of recommendations affecting exports; the long-range coordination of the Bureau's export expansion activities; the establishment of aggregate export targets for individual categories of U.S. manufactures, in cooperation with affected industries; and the staff support and analyses for carrying out the Secretary's responsibility as Chairman of the Interagency Committee on Export Expansion.

b. Existing paragraph .06 is renumbered as .07.

Effective date: March 12, 1969.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

[F.R. Doc. 69-3458; Filed, Mar. 24, 1969; 8:45 a.m.]

[Dept. Order 90-B, Amdt. 1]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

This material amends the material appearing at 33 F.R. 19255 of December 25, 1968.

Department Order 90-B of December 11, 1968 is amended as follows:

1. In section 5 *Staff support units reporting to the Deputy Director:*

(a) The section title is changed as above.

(b) Paragraphs .03 and .04 are deleted.

2. In section 10 *Institute for Basic Standards:*

(a) Subparagraphs .02c. and .02d., are revised to read, respectively:

c. The Deputy Director, Institute for Basic Standards/Boulder, assists in the direction of the Institute's programs at Boulder and reports to the Associate Director for Administration through the Director, IBS, in supervising the administrative divisions at Boulder.

d. The administrative divisions reporting to the Deputy Director, Institute for Basic Standards/Boulder include: within his own office, the Office of Program Development and Evaluation and the Office of Management Systems. The following divisions are also included:

Administrative Services Division.
Plant Division.
Instrument Shops Division.

These units provide administrative guidance, technical and public information services, physical facilities, management planning, financial management, and related technical and administrative services for the NBS organization at Boulder, Colo. The administrative divisions are also responsible for servicing, as needed, Environmental Science Services Administration units at Boulder, Colo., and appropriate field stations of the Boulder organizations of NBS and ESSA.

(b) Subparagraph .04b. is revised to read:

b. The Applied Mathematics Division conducts research in various fields of mathematics important to physical and engineering sciences, automatic data processing, and operations research, with emphasis on statistical, numerical and combinatorial analysis and systems dynamics; provides consultative services to the Bureau and other Federal agencies; and develops and advises on the use of mathematical tools, in checking mathemetical tables, handbooks, manuals, mathematical models, and computational methods.

3. In section 12 *Institute for Applied Technology*, add paragraphs .10 and .11 to read:

.10 The Instrument Shops Division designs, constructs, and repairs precision scientific instruments and auxiliary equipment.

.11 The Measurement Engineering Division serves the Bureau in an engineering consulting capacity in measurement technology; and provides technical advice and apparatus development supported by appropriate research, especially in electronics, and in the combination of electronics with mechanical, thermal, and optical techniques.

Effective date: March 11, 1969.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

[F.R. Doc. 69-3459; Filed, Mar. 24, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18519; Order 69-3-63]

OVERSEAS NATIONAL AIRWAYS, INC., ET AL.

Order Granting Petition for Reconsideration and Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of March 1969.

By Order 69-1-63 the Board dismissed for want of prosecution an application of Louis Marx, Jr., Neil A. McConnell, Dan W. Lufkin, and F. A. Melhado (individual applicants) requesting that the Board disclaim jurisdiction under section 408 of the Federal Aviation Act of 1958, as amended (the Act), over their establishment and control of a limited partnership known as Caribe Leasing (Caribe), while members of such partnership, through their ownership of Pioneer Lands Corp. (Pioneer) and through individual stockholdings of Mr. Marx, control Overseas National Airways, Inc. (ONA). In the alternative, should the Board determine that it must exercise jurisdiction over such common control relationships, the applicants requested the Board to issue an order pursuant to the third proviso of section 408(b) of the Act approving their control of Caribe while they also control ONA. In addition, approval was requested pursuant to section 409 of interlocking relationships arising by virtue of the membership of Messrs. Marx and Lufkin as partners in Caribe while they are directors of ONA.

By petition filed February 4, 1969, as supplemented February 6, 1969, the individual applicants and ONA request reconsideration of the aforementioned order of dismissal, and issuance of an order disclaiming jurisdiction over the

common control of ONA and an investment group which is a tenancy-in-common engaged in a phase of aeronautics and has as tenants the aforementioned individual applicants (also referred to herein as the tenants). As an alternative, approval is requested of such common control pursuant to the third proviso of section 408(b) of the Act. Approval is also requested pursuant to section 409 of the Act of interlocking relationships between the individual tenants-in-common and ONA.

Caribe initially was formed to take title to two DC-9-30 aircraft previously ordered by Caribbean Atlantic Airlines, Inc. (Caribair) from McDonnell Douglas Corp., and to lease the aircraft to Caribair. Subsequent to the original application herein, according to the instant petition, the parties were advised by tax counsel of the possibility that a 29 percent Puerto Rico withholding tax on foreign partnerships might be applicable to the lease payments made by Caribair to Caribe. Since imposition of the tax would have made the lease transaction unattractive to Caribair and the partners, the original agreements were amended and rulings were requested to the effect that the transaction as clarified would not be subject to the tax. Thus, the amendment deleted all references to Caribe and substituted therefor the individual investors as tenants-in-common.

No comments relative to the petition have been received.

Since it appears that we now have the full facts surrounding the foregoing relationships, we have decided to grant the petitioners' request for reconsideration. We shall also assume jurisdiction over the relationships under sections 408 and 409 of the Act.

Upon consideration of the foregoing, we have concluded that the investment group is a person engaged in a phase of aeronautics within the meaning of section 408 of the Act and that the control relationships thereby created between it and ONA are subject to § 408.[1] However, the Board has concluded tentatively that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is requesting a hearing, and it is concluded tentatively that the public interest does not require a hearing.

We have also concluded that the relationships resulting from the individual members of the investment group holding positions with ONA are subject to section 409 of the Act.[2] However, upon approval of the control relationships, such interlocking relationships would come within the scope of the exemption from the provisions of section 409 afforded by § 287.3 of the Board's economic regulations. Thus, to the extent that the application requests approval of such relationships, it will be dismissed.

In accordance with section 408(b) of the Act, this order, constituting notice of the Board's tentative findings, will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered:

1. That the petition for reconsideration of Order 69-1-63 be and it hereby is approved;

2. That interested persons are hereby afforded a period of 10 days from the date of this order within which to file comments or request a hearing with respect to the Board's proposed action on the amended application in Docket 18519; [3] and

3. That the Attorney General of the United States be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-3501; Filed, Mar. 24, 1969; 8:48 a.m.]

[1] To the extent applicable, it has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952) and to consider the application on its merits.

[2] Mr. Marx holds the positions of Director and Chairman of the Board. The other three individuals each hold the position of Director.

[3] Comments shall conform to the requirements of the Board's rules of practice for filing documents. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

FEDERAL COMMUNICATIONS COMMISSION

[Mexican List 254]

MEXICAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions and Corrections in Assignment

FEBRUARY 28, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna	Schedule	Class	Expected date of commencement of operation
		660 kilocycles				
XEACB (this corrects the time of operation notified in List No. 253).	Cd. Delicias, Chih.	500	ND	D	II	2-13-70 (Probable).
		1080 kilocycles				
XEAU (in operation since 2-21-69).	Monterrey, N.L.	500	ND	D	II	2-21-69.
		1540 kilocycles				
XERLK (new)	Atlacomulco, Mexico	500	ND	D	IV	3-12-70 (Probable).
		1400 kilocycles				
XEXI (under construction—change in call letters, previously XEFS).	Ixtapan de la Sal, Mexico.	250	ND	U	IV	
		1510 kilocycles				
XEQI (new)	Monterrey, N.L.	500	ND	D	II	3-10-70 (Probable)
		1580 kilocycles				
XEQI (assignment deleted).	Monterrey, N.L.	500	ND	D	II	
		1500 kilocycles				
XEVIP (change in main studio location, previously Ciudad Satelite, Mexico. PO: 500 W, ND, U).	Naucalpan, Mexico	10,000	DA-N	U	II	5-12-69 (Probable).

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON, *Assistant Chief, Broadcast Bureau.*

[F.R. Doc. 69-3487; Filed, Mar. 24, 1969; 8:47 a.m.]

[Docket Nos. 18485, 18486; FCC 69-231]

E.S.H. CO., INC., AND GLENDALE BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of E.S.H. Co., Inc., Glendale, Ariz., Requests: 92.3 mcs, No. 222; 100 kw(H); 100 kw(V); 120 feet, Docket No. 18485, File No. BPH-6347; Glendale Broadcasting Corp., Glendale, Ariz., Requests: 92.3 mcs, No. 222; 78.5 kw(H); 78.5 kw(V); 286.5 feet, Docket No. 18486, File No. BPH-6402; for construction permits.

1. The Commission has under consideration (a) the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in

mutually destructive interference, (b) Informal Objections to both applications filed by the licensee of Station KNIX (FM), Phoenix, Ariz., and (c) Glendale Broadcasting Corp.'s response to Station KNIX(FM)'s objection.

2. Informal objections have been filed against both applications by the licensee of Station KNIX(FM), Phoenix, Ariz., and a response has been filed by Glendale Broadcasting Corp. ("GBC"). The objections which differ only slightly, make the arguments against both of the applications. Station KNIX(FM) contends that the order designating these applications for hearing should include issues regarding possible violation of the Commission's allocation rules and its 307(b) suburban policy. The need for such issues is seen in the fact that both applicants, although specifying Glendale station locations, would provide principal city coverage to Phoenix as well (GBC proposes a Phoenix transmitter site) and the fact that the Commission denied a request for rule making to assign an additional Class C channel to Phoenix.

3. In its response GBC argues that mere physical location of an antenna does not raise a question regarding a de facto change in station location. Rather, it alleges that its site was selected with the intention of achieving the purposes of a Class C assignment, viz. proving, through use of a site having a substantial height above average terrain, principal city coverage to the proposed station location and coverage to substantial surrounding areas as well. Thus, GBC notes that even if it had proposed a site in Glendale, because of its proximity, Phoenix would still have been within the proposed 3.16 mv/m contour. According to GBC, the proper test is whether the applicant has taken the proper steps to endeavor to serve the proposed principal city and this it states it has done as demonstrated in the application. GBC asserts that the station, to be operated by individuals including Glendale residents, would serve as an independent facility, the first in fact, for Glendale, a city of 31,000 persons.

4. Initially, it should be noted that the channel in question is assigned to Glendale, and both applicants propose to use it there. In addition, as the Commission has made clear, the 307(b) suburban policy is not in itself applicable to FM applications. While it is true that the considerations underlying the policy are applicable—see Berwick Broadcasting Corporation, 12 FCC 2d 8 (1968)—the factual situation here present does not call these considerations into play. In the Berwick case enlargement of the issues was had because one of the applicants proposed to locate the station not at the community to which it was assigned but instead made use of the then "25-mile" rule to propose a small community close to the central city of an urbanized area and otherwise gave evidence of a possible intention to actually serve that central city. Here the situation is notably different in that no such use is proposed and neither application contains the other indicia found significant in causing concern in the Berwick case except to the extent inevitably resulting from the assignment of the channel to Glendale.[1] Thus, in the absence of even a thresholding showing on the part of KNIX(FM), we do not find that its objections are well founded or that either requested issue is warranted. Accordingly, the objections will be denied.

5. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), and our public notice of August 22, 1968 (FCC 68-847), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. E.S.H. Co. does not appear to have made an adequate survey and nor has it adequately listed the suggestions received or the programing proposed to meet these needs as evaluated. Although GBC appears to have made an adequate survey, it has failed to list the suggestions it received. Thus, we are unable at this time to determine whether any of the applicants are aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

6. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations within the 1 mv/m contours together with the availability of other FM services of 1 mv/m or greater intensity in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

7. Full comparison of the programing proposals is warranted when one applicant proposes a significant amount of specialized programing and the other general market programing—Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, E.S.H. Co. proposes 30 percent Spanish language programing and GBC general market programing. Therefore, the programing proposals of the applicants may be compared under the standard comparative issue.

8. According to its application GBC would require $42,000 to construct and operate for 1 year without reliance on revenues.[2] To meet this requirement it would rely on $250 cash, stock subscriptions totaling $8,000 and a $25,000 loan. The loan agreement, however, is defective in that it does not adequately specify the applicable interest rate or collateral requirements. In addition, two of the individuals committing themselves to acquire stock have failed to supply current balance sheets and the $2,000 from these sources cannot be credited to the applicant. Thus applicant shows only $6,250 to meet its costs and an issue will be specified to determine the availability of the balance required.

9. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

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

(1) To determine whether Glendale Broadcasting Corp. has available to it the additional $35,750 required for construction and first-year operation, and thus demonstrate its financial qualifications.

(2) To determine the efforts made by E.S.H. Co., Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine the efforts made by Glendale Broadcasting Corp. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine which of the proposals would better serve the public interest.

(5) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

11. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: March 12, 1969.

Released: March 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3489; Filed, Mar. 24, 1969; 8:47 a.m.]

[1] See WMID, Inc., 13 FCC 2d 412 FCC 68R-257 (1968).

[2] GBC's financial information is less than clear, but is does appear to include the following: Equipment lease—$13,500; land—$1,200; miscellaneous expenses—$5,100 and working capital—$22,200; for a total of $42,000.

[3] Chairman Hyde absent; Commissioner Robert E. Lee concurring in the result.

[Docket Nos. 18487, 18488; FCC 69-232]

MEREDITH COLON JOHNSTON (WECP) AND FORD BROADCASTING CO.

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

In re applications of Meredith Colon Johnston (WECP), Carthage, Miss., Has: 1480 kc, 500 w, Day, Requests: 1080 kc, 250 w, Day, Docket No. 18487, File No. BP-17449; Aaron L. Ford and Gertrude C. Ford doing business as Ford Broadcasting Co., Jackson, Miss., Requests: 1080 kc, 10 kw, DA-Day, Docket No. 18488, File No. BP-17752; for construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications for standard broadcast construction permits.

2. As stated by the Commission in the public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, an applicant must provide full information as to the steps it has taken to become informed of the real community needs and interests of the area to be served when it seeks authority to construct increased facilities serving a substantial amount of new area or population. Although WECP's proposal would increase its service area by approximately two-thirds and its population served by approximately three-quarters, it has not submitted any programing information. In the absence of surveys, it cannot be assumed that substantial changes in programing are unnecessary. Accordingly, an appropriate Suburban issue will be added.

3. Examination of the financial portion of the Ford Broadcasting application indicates that the applicant will require $176,717 to meet estimated first-year construction and operating costs, consisting of: Down payment on equipment, $13,700; first-year payments on equipment with interest, $14,817; land, $32,200; building, $12,000; miscellaneous costs, $29,000; and working capital, $75,000. To meet these costs the applicant has available $60,000 in new capital and a $100,000 bank loan for a total of only $160,000. The partners have available liquid assets in excess of $165,000 which they state are available to meet the expenses. However, since the financial information is not current, an issue will be included to determine whether the bank loan and letter of credit from the equipment manufacturer are still available and whether the ability of the partners to meet their financial commitments has been altered.

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

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

(1) To determine the areas and populations which would receive primary service from the proposal of Ford Broadcasting Co. and the availability of other primary service to such areas and populations.

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

(3) To determine the efforts made by Meredith Colon Johnston to ascertain the community needs and interests of the area to be served and the means by which he proposes to meet those needs and interests.

(4) To determine, with respect to the application of Ford Broadcasting Co.:

(a) Whether the $100,000 bank loan and the letter of credit from the equipment manufacturer are still available, and if so, the terms and conditions thereof.

(b) Whether the partners will have the necessary net available current liquid assets to meet their obligations to the applicant.

(c) Whether, in the light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

(5) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

(6) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest.

(7) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 12, 1969.

Released: March 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3490; Filed, Mar. 24, 1969; 8:47 a.m.]

[1] Chairman Hyde absent; Commissioner Robert E. Lee concurring in the result.

[Docket No. 18481; FCC 69-225]

PROFESSIONAL ANSWERING SERVICE

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In the matter of application by Gerard T. Uht, doing business as Professional Answering Service for a Public Coast (Class III-B) radio station at Erie, Pa., Docket No. 18481, File No. 4305-M-P-117.

1. On November 20, 1967, an application was filed by Gerard T. Uht, doing business as Professional Answering Service for a Public Coast (Class III-B) radio station to be located at Erie, Pa. Uht's application requested the use of the frequency 161.9 mHz, but this was, by subsequent application for modification, changed to 161.85 mHz. The Class III-B Public Coast station provides ship-shore radiotelephone common carrier public correspondence service, primarily of a local character, on VHF channels. Except for the issues herein specified, applicant is qualified.

2. On February 5, Lorain Electronics Corp., and on February 14, 1968, Great Lakes Marine Radio, Inc., filed petitions to deny the application of Uht. Lorain is the licensee of Public Coast (Class III-B) station WMI at Lorain operating on the frequencies 161.9 and 162.0 mHz and KGB 668 at Geneva, Ohio, operating on the frequency 161.9 mHz and Great Lakes is the licensee of Public Coast (Class III-B) station WBL at Martinsville near Buffalo, N.Y., operating on the frequencies 161.9 and 162.0 mHz. Lorain's nearest station is at Geneva, Ohio, approximately 50 miles west of Erie, and Great Lakes' station is approximately 100 miles east of Erie.[1] Petitioners are found to be parties in interest.

3. The arguments advanced by the applicant for the grant of his application, as represented in his application and opposition to the petition to deny, consist essentially of the following:

(a) There is a need for the applied for station at Erie since existing similar stations of Lorain and Great Lakes at Geneva and Lorain, Ohio, and Buffalo, N.Y., are 60, 120, and 90 miles away, and most radio stations on small boats do not have the range to communicate with stations at those distances.

[1] The exact distance as asserted by the applicant and petitioners vary slightly.

(b) Neither Petitioner has established its standing to contest the pending application since there will be no electrical interference because different working frequencies will be used.

(c) Neither of the two principal existing stations have demonstrated that they serve the needs of Erie nor have they shown that the proposed service would substantially duplicate existing service, especially in a 34-mile stretch of shoreline along Lake Erie, including the city of Erie, which does not have any VHF marine service.

(d) The proposed station at Erie would encompass far less than 50 percent of the service area of either of the two closest existing stations and therefore not provide duplicate service solely to any geographical area in which such service is already provided (such duplicate service is prohibited by § 81.303 of the rules).

(e) Neither Lorain nor Great Lakes has shown in any specified manner as required by § 1.962(g) of the Commission's rules how the proposed station serving primarily the Erie area would reduce the revenues of the existing stations.

(f) Lorain and Great Lakes raise no substantial or material question of fact.

4. The reasons advanced by Great Lakes and Lorain for denial of the subject application are summarized as follows:

(a) There would be substantial interference between Great Lakes' station 90 miles away at Martinsville (Buffalo), N.Y., and the applicant's proposed station because of the proximity of the two stations and because of operation on the same frequencies.[2]

(b) There would be overlap in the area to be served by the two stations and Petitioners' service areas would be effectively modified or reduced for technical reasons.

(c) There would be financial hardship and economic interference caused by a reduction in Petitioners' revenues and return on their substantial investment in equipment to upgrade their services, and Great Lakes' station has a 25-year record of financial loss.

(d) There is insufficient need among pleasure boat operators in the Erie area to warrant an additional VHF station since such operators have not equipped their boats with VHF equipment.

(e) The communications needs of any pleasure boat operators not now adequately served by Petitioners' stations could be provided by Citizens or other radio services.

(f) Lorain's antenna at its Lorain station is 425 feet high, as compared to applicant's 207-foot antenna, and Lorain can therefore probably serve virtually all the area which applicant would serve.

(g) Based on inquiry to steamship companies, no additional service is needed.

[2] The question concerning operations on the same frequency has been eliminated by a subsequent modification of the application to specify a frequency not used by Petitioners.

5. An analysis of the pleadings filed in this matter does not establish conclusively whether, or to what extent, there is now an unfilled need for public radio maritime communications service facilities to serve the local boating community at Erie, Pa.; the economic or other impact, if any, of the proposed station on the existing stations; or the extent, if any, to which the service area of the proposed station would overlap with the service areas of Petitioners' stations. Additionally, there is a fundamental question of whether a boating community, especially a major one such as Erie, Pa., with a population in excess of one quarter of a million people, should be entitled to local service notwithstanding the fact that it may be within an area in which satisfactory communications can ordinarily be exchanged with a public coast station established to serve another local area. Accordingly, in view of these substantial and material questions of fact the Commission is unable to make a determination that it would be in the public interest to grant the application; therefore, an evidentiary hearing is required to resolve the question of fact and to determine if the public interest would be served by a grant of the subject application.

6. We note applicant's assertion that neither Petitioner has established standing in this matter because of the absence of electrical interference due to the proposed use of different frequencies, and also that applicant requested the Petitions, for this reason, be dismissed. It appears, however, from the information available that there will probably be some overlap in the areas of the proposed and existing stations in which satisfactory communications with vessels can be exchanged. In view of this, we find that Petitioners do have standing.

7. On July 15, 1968, the Lake Carriers' Association filed a petition to intervene and stay this proceeding pending the outcome of a study and review of future radiotelephone communications needs on the Great Lakes. The Association asserted that its purposes included consideration and action on all general questions relating to navigation and business on the Great Lakes and that vessels of its members transport about 98 percent of the total commerce of the Great Lakes which moves in American-flag vessels. On July 31, 1968, the applicant filed a reply and asserted that the Association had not made a showing that the studies related specifically to the local needs of the Erie, Pa., area, and that its general showing is insufficient to establish a standing to contest or delay action on the pending application. We believe that the Carriers' Association by the very nature and purposes of its activity and in view of the composition of its membership is clearly a party in interest and entitled to participate in a proceeding involving radio communication services or facilities available for use by its members and to this extent its petition will be granted and the Association will be designated a party. In respect to its request to stay the proceedings, however, we do not consider such action appropriate. The Petitioner indicates the study would be completed in 3 months but to date no material has been submitted. The applicant and the local boating community involved are entitled under the present conditions of asserted urgent and immediate needs, to action as promptly as possible on the pending application. Furthermore, the petition filed by the Carriers' Association does not sufficiently show, as asserted by the applicant, how the study would directly and specifically relate to the local needs at Erie, Pa. Accordingly, the request to stay this proceeding will be denied.

8. In the past we have cited the Commission Report No. R-6703, dated October 12, 1967, on VHF propagation curves, for use in determining coverage areas for public coast stations. That report provides estimates of curves based in part on the use of VHF for broadcasting purposes. Consideration is being given to revision of the report and until its status is clarified, we believe a study prepared by the Radio Technical Commission for Marine Services would better serve our purposes and should be used. The RTCM study, hereinafter cited, is not based on VHF broadcasting factors and is directly applicable to the mobile use of VHF for maritime radio communications purposes.

9. In view of the foregoing: *It is ordered*, That the above-entitled application of Gerard T. Uht is designated for hearing at a time and place to be specified in a subsequent order on the following issues:

(a) To determine the extent of need in the local Erie, Pa., area for public maritime radio communications service.

(b) To determine the extent, if any, to which the need for such service is not being satisfactorily met by existing public coast stations.

(c) To determine whether a public coast station to provide service primarily of a local character should be established at Erie, Pa., even if Erie lies within an area in which satisfactory maritime radio communications can ordinarily be exchanged with public coast stations established to provide service primarily to other localities.

(d) To determine the nature, amount and source of traffic now handled by Station WBL and the amount of such traffic, if any, that would be lost if the proposed station is established, and the economic impact on WBL of any such loss in traffic.

(e) To determine the area in which Station WBL can exchange satisfactory communications with vessels and the extent, if any, to which such area overlaps with that of the proposed station.

(f) To determine the nature, amount and source of traffic now handled by Stations WMI and KGB-668 and the amount of such traffic, if any, that would be lost if the proposed station is established, and the economic impact on these stations of any such loss in traffic.

(g) To determine the area in which Stations WMI and KGB-668 can satisfactorily exchange communications with

vessels, and the extent, if any, to which such area overlaps with that of the proposed station.

(h) To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience and necessity will be served by a grant of the subject application.

10. *It is further ordered*, That the burden of proceeding with the introduction of evidence on issue (a), (b), and (c) is placed upon Gerard T. Uht and on issues (d) and (e) upon Great Lakes Marine Radio and on issues (f) and (g) upon Lorain Electronics.

11. *It is further ordered*, That the guide and reference source for preparing exhibits showing the theoretical area in which satisfactory ship-shore maritime communications can technically be exchanged will be limited to Appendix F, "The Propagation Characteristics of the Frequency Band 152–162 Mc Which is Available for Marine Radio Communications", to the report entitled "Study of a Reliable Short Range Radiotelephone System", dated February 21, 1956, prepared by Special Committee No. 19 of the Radio Technical Commission for Marine Services (RTCM), or such other authorities or standards as may be agreed upon by all the parties.

12. *It is further ordered*, That to avail themselves of an opportunity to be heard, Gerard T. Uht, Great Lakes Marine Radio, Lorain Electronics, Inc., and the Lake Carriers' Association, pursuant to § 1.221(c) of the Commission's rules, in person, or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order.

13. *It is further ordered*, That the petition of the Lake Carriers' Association is granted to the extent herein indicated, and is denied in all other respects.

Adopted: March 12, 1969.

Released: March 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3491; Filed, Mar. 24, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

CENTRAL GULF STEAMSHIP CORP. AND GENERAL MARITIME CORP.

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:

Ronald A. Capone, Esquire, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 9620–1, between Central Gulf Steamship Corp. and General Maritime Corp., provides for modification of the basic agreement by the deletion of the following language from paragraph 7: "and shall remain in effect for a period of eighteen (18) months from the date of approval."

The basic agreement, which is now scheduled to terminate on April 23, 1969, is a cooperative working arrangement and rate agreement in the trade between the Great Lakes, Atlantic, gulf, and west coast ports of the United States, and ports in the Mediterranean, Red Sea, Persian Gulf, India, Pakistan, Ceylon, Burma, Australia, New Zealand, and the Far East including ports in Malaysia, Singapore, Indonesia, Borneo, Sarawak, Thailand, Cambodia, South Vietnam, Philippines, Hong Kong, Formosa, Okinawa, Guam, Japan, and Korea. It permits the parties to:

* * * discuss and agree on the fixing and collecting of ocean freight rates, booking and solicitation of cargo, interchanging containers, spacing sailings, settling claims, appointing service agents, husbanding of vessels and related terminal activities, and the extent to which one party may act as agent for the other party in the fixing of rates which may be but need not be the same as the agent party's rate, and in the performance of customary agency arrangements, not inconsistent with rules, regulations, limitations, and procedures of conferences of which the lines party to this agreement are members or may become members in the trade covered by this agreement.

Dated: March 20, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-3502; Filed, Mar. 24, 1969; 8:48 a.m.]

[1] Chairman Hyde absent.

OFFICE OF EMERGENCY PREPAREDNESS

CALIFORNIA

Amendment to Notice of Major Disaster

Notice of major disaster for the State of California, dated January 28, 1969, and published February 1, 1969 (34 F.R. 1620), and amended February 5, 1969, February 8, 1969, February 13, 1969, and February 19, 1969, is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 26, 1969:

Marin.

Dated: March 18, 1969.

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

[F.R. Doc. 69-3461; Filed, Mar. 24, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4723]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exemption From Competitive Bidding

MARCH 19, 1969.

Notice is hereby given that Delmarva Power & Light Co. ("Delmarva"), 600 Market Street, Wilmington, Del. 19899, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Delmarva requests that, for the period commencing on the granting of this application and ending April 1, 1970, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased from 5 percent to approximately 10 percent of the principal amount and par value of the other securities of Delmarva at the time outstanding. Delmarva proposes, under said exemption, to issue and sell short-term notes (including commercial paper) in an aggregate face amount not to exceed $22 million to be outstanding at any one

time. The proceeds from the issue and sale of the short-term notes, including the commercial paper, are to be utilized by Delmarva to finance its 1969 construction program, which is estimated at approximately $65 million.

The notes to be issued to banks will aggregate not in excess of $17 million outstanding at any one time, and will mature during the effective period of the application and not more than 180 days from the date of issue. The bank notes will bear interest at the prime commercial bank rate, in effect as of the dates the notes are executed and will be subject to prepayment at any time without penalty except that the notes may not be prepaid in whole or in part from the proceeds of any subsequent bank loan at a lower rate of interest. The proposed borrowings will be effected from among banks in maximum amounts as set forth below:

Wilmington Trust Co., Wilmington, Del	$4,200,000
Bank of Delaware, Wilmington, Del	2,500,000
Farmers Bank of the State of Delaware, Wilmington, Del	1,300,000
Delaware Trust Co., Wilmington, Del	1,000,000
First National Bank of Maryland, Salisbury and Baltimore, Md	3,750,000
Maryland National Bank, Salisbury and Baltimore, Md	4,250,000
Total	17,000,000

Delmarva also proposes to issue and sell, from time to time prior to April 1, 1970, commercial paper in the form of short-term promissory notes to an investment banker and dealer in commercial paper, A. G. Becker & Co., Incorporated ("dealer"), of up to $22 million face amount to be outstanding at one time. The total amount of commercial paper and bank loans outstanding at any one time will not exceed $22 million. The commercial paper notes will be of varying maturities, with no such notes maturing more than 270 days after the date of issue. None of such notes will mature later than the termination date of the effective period requested in the application, and none will be prepayable prior to maturity. Such notes, in denominations of not less than $50,000 and not more than $1 million, will be issued and sold by Delmarva directly to the dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers thereof to commercial paper dealers. The application states that the commercial paper will be sold by Delmarva at effective interest costs not to exceed the prime rate of commercial banks on the date of issue.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. The dealer, as principal, will reoffer such notes at a discount of one-eighth of 1 percent per annum less than the prevailing discount rate to Delmarva. The notes will be reoffered in a manner which will not constitute a public offering to no more than 100 identified and designated customers in a list (nonpublic) prepared in advance by the dealer. No additions will be made to this customer list.

The application states that Delmarva expects to retire the bank notes and commercial paper from the net proceeds of the sale of first mortgage bonds and/or equity securities prior to April 1, 1970.

Delmarva requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. It is stated that it is not practical to invite competitive bids for commercial paper and that current rates for commercial paper for such prime borrowers as Delmarva are published daily in financial publications. The company further states that the proposed commercial paper notes will have a maturity of 270 days or less and will be sold at effective interest costs that will not exceed the bank prime rate and that it expects to sell its commercial paper at lower effective interest costs. Delmarva also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper on a quarterly basis.

The application states that fees and expenses related to the proposed transactions are estimated not to exceed $1,000, including legal fees of $500. It is further 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 April 7, 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 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 applicant 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, as filed or as it may be amended, may be granted 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. 69-3473; Filed, Mar. 24, 1969; 8:46 a.m.]

[70-4728]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Amendment of Bond Indenture and Solicitation of Proxies

MARCH 19, 1969.

Notice is hereby given that Michigan Wisconsin Pipe Line Co. ("Michigan Wisconsin"), 1 Woodward Avenue, Detroit, Mich. 48226, a subsidiary company of American Natural Gas Co., 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), 7, and 12(e) of the Act and Rules 62 and 65 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan Wisconsin proposes to amend certain provisions of its mortgage and deed of trust, dated as of September 1, 1948 ("Indenture"), to First National City Bank, successor trustee, as heretofore amended and supplemented. The purpose of the proposed amendment is to make available as bondable property, pipelines and related property of Michigan Wisconsin which are located on the outer continental shelf of the United States.

It is stated that the Indenture's present definition of the term "Property Additions," which refers to pipeline property located in a State or States of the United States, had the purpose of making certain that any proceeding for the enforcement of the Indenture or the rights of bondholders would be in the Federal or State courts of the United States and not, for example, before a Canadian or Mexican tribunal. Since execution and delivery of the Indenture, the situation has changed in that Michigan Wisconsin has acquired and is acquiring offshore pipeline properties located on the outer continental shelf in the Federal domain. The filing states that after the proposed amendment, the enforcement of the Indenture and of the rights of bondholders will still be in a State or Federal court, and, with respect to offshore property now owned by Michigan Wisconsin, the laws of Louisiana would apply.

The proposed amendment of the Indenture requires the consent of the holders of at least 66⅔ percent in principal amount of the outstanding bonds, and Michigan Wisconsin proposes to solicit consents from the bondholders.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $48,000, including legal fees of $10,500 and solicitation expense of $15,000. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 8, 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. 69-3474; Filed, Mar. 24, 1969; 8:46 a.m.]

OMEGA EQUITIES CORP.

Order Suspending Trading

MARCH 19, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Omego Equities Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 20, 1969, through March 29, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-3475; Filed, Mar. 24, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 20, 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. 41587—*Chlorine from Memphis, Tenn.* Filed by O. W. South, Jr., agent (No. A6086), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Memphis, Tenn., to Hine, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 3 to Southern Freight Association, agent, tariff ICC S-838.

FSA No. 41588—*Newsprint paper from Dalhousie, New Brunswick, Canada.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2938), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Dalhousie, New Brunswick, Canada, to Chicago, Ill.

Grounds for relief—Water competition.

Tariff—Supplement 31 to Canadian National Railways tariff ICC E. 543.

FSA No. 41589—*Barite (Barytes) from Potosi and Cadet, Mo.* Filed by Southwestern Freight Bureau, agent (No. B-21), for interested rail carriers. Rates on barite (barytes), ground, in carloads, from Potosi and Cadet, Mo., to points in Colorado, Utah, and Wyoming.

Grounds for relief—Carrier competition.

Tariff—Supplement 39 to Southwestern Freight Bureau, agent, tariff ICC 4703.

FSA No. 41591—*Cement from Manitowoc, Wis.* Filed by Western Trunk Line Committee, agent (No. A-2581), for interested rail carriers. Rates on cement, viz: hydraulic, masonry, mortar, natural, Portland, or tile grout, in carloads, as described in the application, from Manitowoc, Wis., to points in western trunkline territory.

Grounds for relief—Market competition; modified short-line distance formula and grouping.

Tariffs—Supplements 76 and 82 to Western Trunk Line Committee, agent, tariffs ICC A-4838 and A-4527, respectively.

FSA No. 41592—*Newsprint paper from Clermont, Quebec, Canada.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2939), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Clermont, Quebec, Canada, to Philadelphia, Pa.

Grounds for relief—Water competition.

Tariff—Supplement 31 to Canadian National Railways tariff ICC E. 543.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41590—*Passenger fares in southern territory.* Filed by Southern Passenger Association, agent (No. 3), for interested rail carriers. This is in relation to the transportation of passengers, between points on lines of applicant carriers and between such points on the one hand, and points on lines of connecting carriers, on the other.

Grounds for relief—Establishment of increased coach fares by applicant carriers and maintenance of depressed joint through fares.

By the Commission.

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

[F.R. Doc. 69-3493; Filed, Mar. 24, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 41]

LOUISVILLE AND NASHVILLE RAILROAD CO. ET AL.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Louisville and Nashville Railroad Co., shall deliver to the Chicago & Eastern Illinois Railroad Co., a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The Chicago & Eastern Illinois Railroad Co., shall deliver to the Soo Line Railroad Co., a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., March 24, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., April 13, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

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

Issued at Washington, D.C., March 19, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-3495; Filed, Mar. 24, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 12, Amdt. 4]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 12 (New York, Susquehanna and Western Railroad Co.) and good cause appearing therefore:

It is ordered, That:

ICC Order No. 12 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date*. This order shall expire at 11:59 p.m., June 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 20, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-3494; Filed, Mar. 24, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 40]

PENN CENTRAL CO. AND SOO LINE RAILROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Penn Central Co. shall deliver to the Soo Line Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars receiving during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., March 24, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., April 13, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

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

Issued at Washington, D.C., March 19, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-3496; Filed, Mar. 24, 1969; 8:48 a.m.]

[Notice 800]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 20, 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 23976 (Sub-No. 26 TA), filed March 14, 1969. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., doing business as TRANS WESTERN EXPRESS, 5940 North Basin Avenue, Portland, Oreg. 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from Burns, Oreg., to points within 150 miles of Burns, Oreg., and return, for 180 days. NOTE: Applicant intends to tack with MC 23976. Supporting shipper: Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, Ga. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 26396 (Sub-No. 39 TA), filed March 14, 1969. Applicant: POPELKA TRUCKING CO., Post Office Box 958, Livingston, Mont. 59047. Applicant's representative: Jos. F. Meglen, Post Office Box 1781, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel plate and steel sheets*, from Geneva, Utah, to Billings, Mont., for 180 days. Supporting shipper: Marketing Manufacturing, Inc., Post Office Box 141, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 61396 (Sub-No. 210 TA) (Correction), filed February 3, 1969, published in the FEDERAL REGISTER issue of February 14, 1969, and republished as corrected this issue. Applicant: HERMAN BROS. INC., 2501 North 11 Street, Post Office Box 189, Downtown Station 68101, Omaha, Nebr. 68110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk in tank vehicles, (1) from the plantsite of MAPCO Inc., at Borger, Tex., to points in Texas, Oklahoma, New Mexico, Colorado, and Kansas; (2) from the plantsite of MAPCO, Inc., at Conway, Kans., to points in Kansas, Oklahoma, Missouri, Colorado, and Nebraska; (3) from the plantsite of MAPCO, Inc., at Greenwood, Nebr., to points in Nebraska,

Iowa, Missouri, South Dakota, Kansas, Colorado, and Wyoming; (4) from the plantsite of MAPCO, Inc., at Whiting and Earling Iowa, to points in Iowa, Nebraska, South Dakota, North Dakota, and Minnesota, and (5) from the plantsite of MAPCO, Inc., at Garner, Iowa, to points in Iowa, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, and Illinois, for 180 days. NOTE: The purpose of this republication is to include the authority sought in (2) above which was inadvertently omitted in the previous publication. Supporting Shipper: Cominco American, 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Keith P. Kohrs, District Supervisior, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 97357 (Sub-No. 25 TA), filed March 17, 1969. Applicant: ALLYN TRANSPORTATION COMPANY, 14011 South Central Avenue, Los Angeles, Calif. 90059. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulfur*, from points within Los Angeles County, Calif., to Yuma, Ariz., for 180 days. Supporting shipper: Collier Carbon and Chemical Corp., Post Office Box 60455, Los Angeles, Calif. 90060. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 115162 (Sub-No. 167 TA), filed March 17, 1969. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, from Ridgeway, Pa., to Benton, Ark., for 180 days. Supporting shipper: Weyerhaeuser Co., 100 South Wacker Drive, Chicago, Ill. 60603, Attention: Mr. B. M. Fischer, Eastern Traffic Manager. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala 35203.

No. MC 115826 (Sub-No. 191 TA), filed March 12, 1969. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Denver, Colo. 80217 (Terminal Annex). Applicant's representative: James F. Digby (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting and rugs*, from the plantsites and storage facilities utilized by Tahlequah, Inc., doing business as Chamblee Carpet Mills, at or near Poteau, Okla., to points in Oregon, California, Nevada, Arizona, New Mexico, Utah, Idaho, Montana, Wyoming, Colorado, Texas, North Dakota, South Dakota, Iowa, Minnesota, Wisconsin, Louisiana, Illinois, Kentucky, Virginia, Tennessee, Washington, Georgia, Alabama, South Carolina, Florida, North Carolina, Nebraska, Kansas, Arkansas, Missouri, and the District of Columbia, for 180 days. NOTE: Applicant seeks authority to interline solely within the scope of the authority here sought at major cities in the destination territory. Supporting shipper: Tahlequah, Inc., doing business as Chamblee Carpet Mills, Poteau, Okla. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 119049 (Sub-No. 2 TA), filed March 14, 1969. Applicant: T. E. K. VAN LINES, INC., 9123 East Garvey Avenue, Post Office Box 54141, Terminal Annex, Los Angeles, Calif. 90054, Rosemead, Calif. 91770. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California, Washington, and Oregon, for 180 days. NOTE: Applicant intends to tack with MC 119049 and Interline in California. Supporting shippers. Buena Park Transfer & Storage, Inc., 7000 Dale Street, Buena Park, Calif.; La Mesa Transfer and Storage, 8336 Case Street, La Mesa, Calif. 92042; Pacific Moving & Storage Co., 1454 Veterans Boulevard, Redwood City, Calif. 94063; Hamack's Moving Service, 2546 West Pico Boulevard, Los Angeles, Calif.; De Witt Transfer & Storage Co., 6060 North Figueroa Street, Los Angeles, Calif. 90042; Nicolai Van & Storage, 329 Couch Street, Vallejo, Calif. 94590. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128117 (Sub-No. 3 TA), filed March 14, 1969. Applicant: NORTON-RAMSEY MOTOR LINES, INC., Post Office Box 477, Catawba Avenue, Old Fort, N.C. 28762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* crated or uncrated to points in Arkansas, Louisiana, Mississippi, Oklahoma, Texas, New Mexico, and Colorado, for 180 days. Supporing shippers: Coleman Furniture Corp., Pulaski, Va.; and Pulaski Furniture Corp., Pulaski, Va. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead Street, Suite 417, B.S.R. Building, Charlotte, N.C. 28202.

No. MC 128375 (Sub-No. 27 TA) (Correction), filed March 4, 1969, published in the FEDERAL REGISTER issue of March 12, 1969, and republished in part as corrected this issue. Applicant: CRETE CARRIER CORP., 15th and Main, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Richard A. Peterson, Post Office Box 806, Lincoln, Nebr. 68501. NOTE: The sole purpose of this partial republication is to reflect Humbolt, Iowa, as a destination point in Item (2) inadvertently shown as Humbolt, La., in the previous publication. The rest of the application remains as previously published.

No. MC 133485 (Sub-No. 1 TA), filed March 17, 1969. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Currency, coin, and precious metals*, in armored car service, between Boston, Mass., and points in Rhode Island, for 120 days. Supporting shipper: Rhode Island Bankers Association, c/o Industrial National Bank, 111 Westminster Street, Providence, R.I. 02903, Milton Roy, Secretary and Edward B. McAlpine, Refiners of Precious Metals, 85 Ellenfield Street at Virginia Avenue, Providence, R.I. 02905. Send protests to: District Supervisor Gerald H. Curry, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 133538 TA, filed March 12, 1969. Applicant: RUFF - WALKER TRANSFER CO., INC., 930 Chattahoochee Avenue NW., Atlanta, Ga. 30325. Applicant's representative: Robert W. Walker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement beyond Atlanta, Ga., in railroad service, between points in Fulton County, Ga., and points in Clayton County and De Kalb County, Ga., within a line drawn 10 miles beyond the corporate limits of Atlanta, Ga., for 180 days. Supporting shippers: The Sherwin-Williams Co., 101 Prospect Avenue NW., Cleveland, Ohio 44101; Ray-O-Vac Division, ESB, Inc., 212 East Washington Avenue, Madison, Wis. 53703. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133550 TA, filed March 14, 1969. Application: LLOYD KNOTT TRANSPORTATION, Rural Route 2, Iowa Falls, Iowa 50126. Applicant's representative: Lloyd R. Knott (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products, including prestressed and precast associated items, and accessories, reinforcing and other articles when used as an intricate part of items manufactured*, from the plantsites of Prestressed Concrete of Iowa, Inc., at or near Cedar Rapids, Des Moines, and Iowa Falls, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin, for 180 days. Supporting shipper: Prestressed Concrete of Iowa, Inc., Box 822, Iowa Falls, Iowa 50126. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133551 TA, filed March 14, 1969. Applicant: JOHN F. STEHLE, doing business as JOHN STEHLE TRUCKING, 935 East 13th Street, Albany, Oreg. 97321. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips or shavings*, from Philomath, Oreg., to Longview, Wash., from Chelachoe, Prarie, and Longview, Wash., to Albany, Oreg., for 180 days. Supporting shippers: Longview Fiber Co., Longview, Wash. 98632; International Paper Co., Box 67, Amboy, Wash. 98601; Rex Veneer Co., Post Office Box 429, Philomath, Oreg. 97370; Duraflake Co., Post Office Box 428, Albany, Oreg. 97321. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

By the Commission.

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

[F.R. Doc. 69-3497; Filed, Mar. 24, 1969; 8:48 a.m.]

[Notice 315]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 20, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71132. By order of March 14, 1969, the Motor Carrier Board approved the transfer to Burton R. Peterson, North Branch, Minn. 55056 of certificate No. MC-117754, issued July 20, 1959, to Burton R. Peterson and Carl K. Peterson, a partnership, doing business as Dalbo Feed and Mill Co., Cambridge, Minn. 55008, authorizing the transportation of animal and poultry feeds from New Richmond, Wis., to specified points in Minnesota. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-71143. By order of March 14, 1969, the Motor Carrier Board approved the transfer to Hull and Smith Horse Vans, Inc., Ashland, Nebr., of certificate No. MC 115663 (Sub-No. 2), issued February 20, 1959, to Laurence Harbaugh, doing business as Dalbo Feed and Mill Co., Grand Island, Nebr., authorizing the transportation of: Race horses and, in connection therewith, personal effects of attendants, and supplies and equipment used in the care and exhibition of such animals, between points in Colorado, Iowa, Kansas, Nebraska, Oklahoma, South Dakota, and points in Illinois within 25 miles of East St. Louis, Ill., subject to the restriction that this authority may not be tacked or joined in any manner to effect service in Arkansas and New Mexico other than set forth immediately following, and between points in Iowa, Kansas, Nebraska, Oklahoma, South Dakota, and points in Illinois within 25 miles of East St. Louis, Ill., on the one hand, and, on the other, points in Arkansas and New Mexico. Charles J. Kimball, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-71162. By order of March 14, 1969, the Motor Carrier Board approved the transfer to B & H Truckaway Co., a corporation, Maywood, California, of permit No. MC 107230 and MC 107230 (Sub-No. 4) issued October 18, 1948 and June 12, 1951, respectively in the name of David T. Hamilton and James D. Boner, a partnership doing business as B & H Truckaway Co., Maywood, Calif., authorizing the transportation of automobiles and motor vehicles from, to, or between specified points in California, Arizona, Nevada, Utah, Idaho, Oregon, Washington, and Wyoming. Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif. 90014, attorney for applicants.

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

[F.R. Doc. 69-3498; Filed, Mar. 24, 1969; 8:48 a.m.]

TARIFF COMMISSION

WATCHES AND WATCH MOVEMENTS FROM INSULAR POSSESSIONS

Determination of Apparent U.S. Consumption of Watch Movements in 1968 and of Quotas for Duty-Free Entry in 1969 of Watches and Watch Movements

MARCH 19, 1969.

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the Tariff Commission has determined that the apparent U.S. consumption of watch movements for the calendar year 1968 was 44,384,000 units, and that the number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during the calendar year 1969 under headnote 6(b) of said subpart E of the TSUS is as follows:

	Units
Virgin Islands	4,315,500
Guam	410,836
American Samoa	205,664

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 69-3482; Filed, Mar. 24, 1969; 8:47 a.m.]

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