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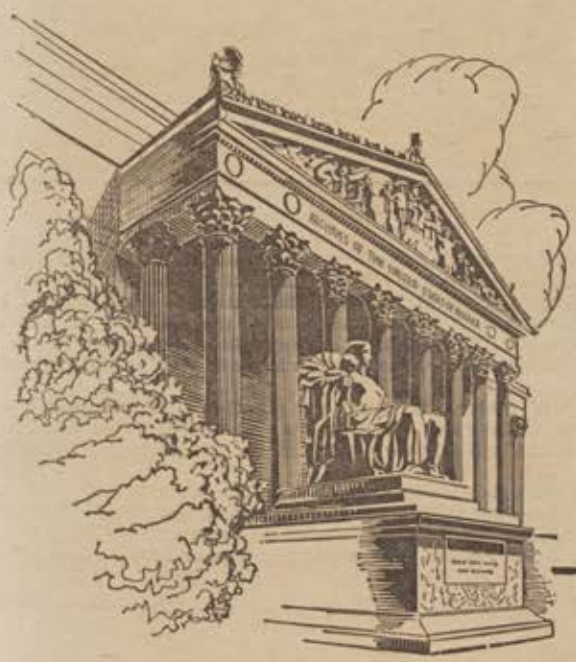

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Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-SW-74]

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

Alteration of Control Zone

On November 14, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 16601) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to alter the Houston, Tex. (Ellington AFB), control zone.

Interested persons were given 30 days in which to submit written data, views, or arguments.

No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Delete "In § 71.171 (33 F.R. 2090) * * *" and substitute "In § 71.171 (34 F.R. 4590) * * *" therefor.

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

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

Issued in Fort Worth, Tex., on March 18, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

The above amendment reads as follows:

In § 71.171 (34 F.R. 4590), the Houston, Tex. (Ellington AFB), control zone is amended to read:

HOUSTON, TEX. (ELLINGTON AFB)

Within a 5-mile radius of Ellington AFB (lat. 29°36'25" N., long. 95°09'20" W.), within a 3-mile radius of Clear Lake City Stolport (lat. 29°33'27" N., long. 95°08'21" W.), within 2 miles each side of the Ellington VOR 209° radial extending from the 5-mile radius zone to 7 miles southwest of the VOR, within 2 miles each side of the Ellington TACAN 213° radial extending from the 5-mile radius zone to 7 miles southwest of the TACAN, within 2 miles each side of the Houston VORTAC 142° radial extending from the William P. Hobby Airport (lat. 29°38'40" N., long. 95°16'30" W.) 5-mile radius zone to 11.5 miles southeast of the VORTAC, and within 2 miles each side of the Houston VORTAC 126° radial extending from the William P. Hobby Airport 5-mile radius zone to 13.5 miles southeast of the VORTAC, excluding the portions within the Houston, Tex. (William P. Hobby), control zone.

[F.R. Doc. 69-4001; Filed, Apr. 4, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-1]

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

Alteration of Control Zone

On January 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1401) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter description of the Lake Tahoe, Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following changes:

1. The NPRM stated, in part, that the Lake Tahoe control zone was amended by deleting "* * * 0600 to 2200 hours, local time daily."; this should be changed to read ", * * * effective from 0600 to 2200 hours, local time daily."

2. Change the FEDERAL REGISTER citation to read "In § 71.171 (34 F.R. 4557) * * *".

Since these changes are minor in nature, notice and public procedure hereon are unnecessary.

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

Issued in Los Angeles, Calif., on March 26, 1969.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the description of the Lake Tahoe, Calif., control zone is amended by deleting ", * * * effective from 0600 to 2200 hours, local time daily" and substituting therefor "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69-4002; Filed, Apr. 4, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-7]

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

Alteration of Control Zone

On February 15, 1969, a notice of proposed rulemaking was published in the FEDERAL REGISTER (34 F.R. 2255) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Oxnard, Calif. (Ventura County Airport), control zone.

Interest persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Change the FEDERAL REGISTER citation to read "In § 71.171 (34 F.R. 4557) * * *".

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

Issued in Los Angeles, Calif., on March 26, 1969.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the description of the Oxnard, Calif. (Ventura County Airport), control zone is amended by deleting "* * * from 0600 to 2200 hours, local time, daily." and substituting therefor "* * * during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69-4003; Filed, Apr. 4, 1969; 8:47 a.m.]

[Airspace Docket No. 68-WE-89]

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

Alteration of Transition Area

On February 8, 1969, F.R. Doc. 69-1583 was published in the FEDERAL REGISTER adopting a proposal to alter the description of the Portland, Oreg., transition area. The issuance of this final rule created some questions both from an editorial and charting standpoint. This document is issued to clarify these points.

In consideration of the foregoing, F.R. Doc. 69-1583 is amended by changing the description of the Portland, Oreg., transition area to read as follows:

PORTLAND, OREG.

That airspace extending upward from 700 feet above the surface within a 23-mile radius of the Portland International Airport (latitude 45°35'20" N., longitude 122°35'35" W.), within a 5-mile radius of Kelso-Longview, Wash., airport (latitude 46°07'12" N., longitude 122°53'58" W.) and within 2 miles each side of the 012° bearing from the Kelso, Wash. RBN (latitude 46°09'14" N., longitude 122°54'40" W.) extending from the 5-mile radius area to 8 miles north of the RBN; that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Portland International Airport;

that airspace northwest of Portland extending from the 30-mile radius area bounded on the south by latitude 45°38'00" N., on the west by longitude 123°17'00" W., on the north by V-112, that airspace north of the Kelso RBN bounded on the north by latitude 46°26'00" N., on the east by a line 6 miles east of and parallel to the 021° bearing from RBN, on the south by latitude 46°09'00" N., on the southwest by a line 5 miles southwest of and parallel to the 336° bearing from the RBN; that airspace south of the Kelso RBN bounded on the north by latitude 46°09'00" N., on the northeast by a line 6 miles northeast of and parallel to the 151° bearing from the RBN, on the south by the 30-mile radius area and the north edge of V-112, on the northwest by a line 5 miles northwest of and parallel to the 216° bearing from the RBN, and within 5 miles east and 8 miles west of the 012° bearing from the Kelso RBN extending from the RBN to 12 miles north of the RBN; that airspace extending upward from 4,500 feet MSL northwest of Portland bounded on the south by V-112, on the west by longitude 123°17'00" W; on the north by latitude 46°11'00" N., and on the east by V-165; that airspace extending upward from 6,500 feet MSL west of Portland extending from the 30-mile radius area bounded on the southeast by V-287W, on the west by V-27, and on the north by V-112; that airspace north of Portland extending from the 30-mile radius area bounded on the west by V-287, on the north by the arc of a 40-nautical-mile radius circle centered on McChord AFB, Tacoma, Wash. (latitude 47°08'20" N., longitude 122°28'05" W.), and on the east by longitude 122°16'00" W.; that airspace extending upward from 8,500 feet MSL northeast, east, and southeast of Portland within a 60-mile radius of the Portland Airport, extending from the 30-mile radius area clockwise from the Portland VORTAC 036° radial to the east boundary of V-23E, excluding the airspace within Federal airways and the airspace within the arcs of 44- and 60-mile radius circles centered on the Portland Airport bounded on the north by the Portland VORTAC 118° radial and on the south by the Newberg, Oreg., VORTAC 092° radial.

Since these changes are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the effective date as originally adopted may be retained.

Issued in Los Angeles, Calif., on March 26, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-4004; Filed, Apr. 4, 1969; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9501; Amdt. 643]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Palmtree Int	Laau Point Int	Direct	1900	T-dn%	300-1	300-1	300-1
Laau Point Int	MKK VOR	Direct	1900	C-dn	700-1	700-1	700-1½
				A-dn*	NA	NA	NA

Procedure turn N side of crs, 251° Outbnd, 071° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, #1900'. Maintain 1700' until 2 miles past MKK VOR or MKK R 069°/LNY R 327°.
Crs and distance, facility to airport, 069°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing MKK VOR, turn left and climb to 3000' on MKK VOR R 030° within 20 miles.
AIR CARRIER NOTE: Sliding scale not authorized.
#Do not descend below 1700' until 2 miles past MKK VOR or LNY VOR R 327.°
*Alternate minimums of 800-2 authorized for air carriers with weather reporting service at airport.
% Takeoffs all runways; climbing left turn to 360° to 2000', proceed as cleared.
MSA: 045°-135°—7000'; 135°-225°—5400'; 225°-315°—3400'; 315°-045°—3000'.

City, Kaunakakai Molokai; State, Hawaii; Airport name, Molokai; Elev., 454'; Fac. Class., H-BVOR; Ident., MKK; Procedure No. VOR-1, Amdt. 1; Eff. date, 24 Apr. 69; Sup. Amdt. No. VOR-1, Orig.; Dated, 9 Jan. 65

Penguin Int	LNY R 288°/MKK R 162°	Direct	2000	T-d**	300-1	300-1	200-½
LNY R 288°/MKK R 162°	Rose Int	Via MKK, R 162°.	2000	C-d	700-1	700-1	700-1½
Sampan Int	Rose Int	Direct	2000	A-d*	800-2	800-2	800-2
Rose Int	LNY VOR (final)	Direct	2000				

Procedure turn N side of crs, 274° Outbnd, 094° Inbnd, 2800' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 025°—1.2 miles.
If visual contact not established upon descent to authorized landing minimums over the LNY VOR or if landing not accomplished, make right turn, climb to 4000' on LNY R 274° within 20 miles.
NOTES: (1) No airport lighting. (2) Control zone operates 1430-1815 local standard time only. (3) Warning area 5 miles S of VOR. (4) Reductions not authorized.
CAUTION: Terrain rises sharply 2 miles NE of airport. Lee side turbulence may be encountered throughout approach.
*Alternate minimums authorized only for air carriers with approved weather reporting service.
**Takeoffs Runway 3: Westbound V-28, V-16, V-2, turn left, climb on crs; northwestbound on V-7, turn left to 300°, climb to 2500' prior to proceeding on crs; eastbound on V-2; V-16, turn left, climb eastbound S of R 096° to 3000' prior to joining airway. Runway 21: Northwestbound to V-7, turn right to 300°, climb to 2500' prior to proceeding on crs; eastbound aircraft turn left, climb S of R 096° to 3000' prior to joining airway.
MSA: 000°-090°—7800'; 090°-180°—3500'; 180°-270°—3300'; 270°-360°—5200'.

City, Lanai City; State, Hawaii; Airport name, Lanai; Elev., 1309'; Fac. Class., H-BVOR; Ident., LNY; Procedure No. VOR-1, Amdt. 3; Eff. date, 24 Apr. 69; Sup. Amdt. No. 2; Dated, 29 Oct. 66

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Fitchburg, Mass.—Fitchburg Municipal, ADF 1, Amdt. 3, 10 Oct. 1964 (established under Subpart C).
Columbus, Miss.—Columbus-Lowndes County, VOR-1, Amdt. 6, 23 Dec. 1967 (established under Subpart C).
Cut Bank, Mont.—Cut Bank, VOR 1, Amdt. 6, 18 June 1966 (established under Subpart C).
Shelbyville, Tenn.—Bomar Field, VOR Runway 36, Amdt. 3, 18 Mar. 1967 (established under Subpart C).
Waycross, Ga.—Waycross-Ware County, VOR-1, Amdt. 1, 27 May 1967 (established under Subpart C).

3. By amending § 97.13 of Subpart B to cancel terminal very high frequency omnirange (TerVOR) procedures as follows:

Shelbyville, Tenn.—Bomar Field, TerVOR (R-270), Orig., 24 July 1965, canceled, effective 24 Apr. 1969.

4. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.8 miles after passing UBS VORTAC.
R 187°, UBS VORTAC CW	R 277° (NOPT)	8-mile Arc UBS	1800	Climbing right turn to 2000' direct to UBS VORTAC and hold.
R 007°, UBS VORTAC CCW	R 277° (NOPT)	8-mile Arc UBS	1800	Supplementary charting information: Hold W, 1 minute, right turns, 097° Inbnd. Final approach crs to center of airport. LRCO 122.1, 123.6 TCL FSS.

Procedure turn S side of crs, 277° Outbnd, 097° Inbnd, 1800' within 10 miles of UBS VORTAC.
FAF, UBS VORTAC. Final approach crs, 097°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over UBS VORTAC, 1800'; over 8-mile DME Fix, 700'.
MSA: 000°-180°—1800'; 180°-360°—1900'.
NOTES: (1) Radar vectoring. (2) Use Columbus approach control altimeter setting.
*Standard alternate minimums authorized for air carrier with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	760	1	572	760	1	572	760	1½	572	NA
	VOR/DME Minimums:									
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	680	1	492	680	1	492	680	1½	492	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Columbus; State, Miss.; Airport name, Columbus-Lowndes County; Elev., 188'; Facility, UBS; Procedure No. VOR-1, Amdt. 7; Eff. date, 24 Apr. 69; Sup Amdt. No. 6; Dated, 23 Dec. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.4 miles after passing CTB VORTAC.
R 152°, CTB VORTAC CCW	R 130°, CTB VORTAC	10-mile Arc	5300	Climb to 5300' on CTB VOR R 311° within 8 miles, return to VORTAC.
10-mile DME Fix, R 130°	CTB VORTAC (NOPT)	Direct	5300	Supplementary charting information: TDZ elevation, 3837'.

Procedure turn N side of crs, 130° Outbnd, 310° Inbnd, 5300' within 10 miles of CTB VOR.
FAF, CTB VOR. Final approach crs, 311°. Distance FAF to MAP, 2.4 miles.
Minimum altitude over CTB VOR, 4500'.
MSA: 000°-180°—5300'; 180°-270°—6000'; 270°-360°—5500'.

NOTE: Final approach from holding pattern at VOR not authorized; procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	4160	1	323	4160	1	323	4160	1	323	4160	1	323
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4220	1	366	4320	1	466	4320	1½	466	4420	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Cut Bank; State, Mont.; Airport name, Cut Bank; Elev., 3854'; Facility, CTB; Procedure No. VOR Runway 31, Amdt. 7; Eff. date, 24 Apr. 69; Sup. Amdt. No. VOR 1, Amdt. 6; Dated, 18 June 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SYI VOR.
Walterhill Int	SYI VOR	Direct	2500	Climbing left turn to 2500' on R 200° SYI VOR to SYI VOR and hold.
Summitville Int	SYI VOR	Direct	2500	Supplementary charting information: Hold S, 1 minute, left turns, 013° Inbnd. LRCO 122.1, 123.6. TDZ elevation, 800'.

Procedure turn W side of crs, 193° Outbnd, 013° Inbnd, 2500' within 10 miles of SYI VOR.
Final approach crs, 013°.
Minimum altitude over Bomar FM, 1360'.
MSA: 000°-090°—3300'; 090°-270°—2500'; 270°-360°—2300'.
NOTE: Use Nashville FSS altimeter setting when local altimeter setting not available and increase MDA 160'.
*Standard alternate minimums authorized operators with approved weather reporting service.
%CAUTION: Due to high terrain NE and SE of airport, departing aircraft with limited climb capability should climb to 3000' on a westerly heading before continuing on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-36	1360	1	560	1360	1	560	1360	1	560	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1360	1	558	1360	1	558	1360	1½	558	NA
	VOR/FM Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-36	1160	1	360	1160	1	360	1160	1	360	NA
A	Not authorized.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Shelbyville; State, Tenn.; Airport name, Bomar Field; Elev., 802'; Facility, SYI; Procedure No. VOR Runway 36, Amdt. 4; Eff. date, 24 Apr. 69; Sup. Amdt. No. 3; Dated, 18 Mar. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.1 miles after passing AYS VORTAC.
AYS R 126°, CW	AYS, R 296°	8-mile Arc	2200	Climbing left turn to 2200' direct to AYS VORTAC, and hold.
AYS R 009°, CCW	AYS, R 296°	8-mile Arc	2200	Supplementary charting information: Hold NW, 1 minute, left turns, 116° Inbnd. Final approach crs to center of airport. LRCO 122.1, 123.6.
8-mile Arc	AYS VORTAC (NOPT)	AYS, R 296°	1900	

Procedure turn N side of crs, 296° Outbnd, 116° Inbnd, 2200' within 10 miles of AYS VORTAC.
FAF, AYS VORTAC. Final approach crs, 099°. Distance FAF to MAP, 8.1 miles.
Minimum altitude over AYS VORTAC, 1900'; over 5-mile DME Fix, 800'.
MSA: 000°-360°—2300'.
NOTES: (1) Use Alma, Ga., altimeter setting. (2) This procedure authorized only between the hours of 0600 and 2200 when Alma FSS is in operation, expect operators with approved weather and communication service.
*Night operations Runways 18-36 only authorized.
% Takeoff minimums Runways 4-22 and 13-31, 500-1.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	800	1	658	800	1	658	800	1½	658	NA
	DME Minimums:									
C*	700	1	558	700	1	558	700	1½	558	NA
A	Not authorized.		T 2-eng. or less—Runways 18-36, Standard. %				T over 2-eng.—Runways 18-36, Standard. %			

City, Waycross; State, Ga.; Airport name, Waycross-Ware County; Elev., 142'; Facility, AYS; Procedure No. VOR-1, Amdt. 2; Eff. date, 24 Apr. 69; Sup. Amdt. No. 1; Dated, 27 May 67

5. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.6 miles after passing OCN VOR (9.6 DME).
				Climbing right turn to 3000' heading 240° to intercept OCN R 145° direct SAN VOR. Supplementary charting information: LRCO, 122. 1R.

Procedure turn S side of crs, 280° Outbnd, 100° Inbnd, 2500' within 10 miles of OCN VORTAC.
FAF, OCN VORTAC. Final approach crs, 119°. Distance FAF to MAP, 9.6 miles.
Minimum altitude over OCN VORTAC, 2500'.
MSA: 000°-090°—6800'; 090°-180°—4000'; 180°-270°—2100'; 270°-360°—6700'.
NOTE: Use Miramar (NKX) altimeter setting.
%1FR departure procedures: Runway 6, left turn after takeoff. Westbound, northbound and eastbound (280° clockwise through 120°) departures require a minimum climb rate of 200' per mile to 2000' MSL.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS
C	1000	1	672	1000	1	672	1000	1¼	672		NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%				

City, Carlsbad; State, Calif.; Airport name, Palomar; Elev., 328'; Facility, OCN; Procedure No. VOR-1, Amdt. 2; Eff. date, 24 Apr. 69; Sup. Amdt. No. 1; Dated, 17 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.2 miles after passing FSM VORTAC.
R 350°, FSM VORTAC CW	R 046°, FSM VORTAC	8-mile Arc FSM, R 032° lead radial.	3000	Climb to 3000' on FSM VORTAC R 232°, to Spiro Int and hold.
R 193°, FSM VORTAC CCW#	R 046°, FSM VORTAC	8-mile Arc FSM, R 060° lead radial.	2000	Supplementary charting information: Hold SW of Spiro Int on R 232°-052° Inbnd, right turns, 1 minute/4 miles. TDZ elevation, 443'.
8-mile Arc	FSM VORTAC (NOPT)	FSM, R 046°	2000	
Spiro Int	FSM VORTAC	Direct	3000	

Procedure turn N side of crs, 046° Outbnd, 226° Inbnd, 3000' within 10 miles of FSM VORTAC.
Final approach crs, 226°.
Minimum altitude over FSM VORTAC, 2000'.
MSA: 000°-090°—3500'; 090°-270°—3700'; 270°-360°—3000'.
NOTE: Inoperative table does not apply to HIRL or ALS Runway 25.
%1FR departure procedures: Runway 25 maintain runway heading until reaching 1200' prior to starting right turn.
#Not authorized when restricted areas R-2401 and R-2402 in effect.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25	980	1	537	980	1	537	980	1	537	980	1	537
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	612	1080	1	612	1080	1¼	612	1080	2	612
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Fort Smith; State, Ark.; Airport name, Fort Smith Municipal; Elev., 468'; Facility, FSM; Procedure No. VOR Runway 25, Amdt. 12; Eff. date, 24 Apr. 69; Sup. Amdt. No. 11; Dated, 13 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 10.1 miles after passing HKY VOR.
				Climb to 4000', right turn, to HKY VOR via R 224° and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 240° Inbnd. REIL, Runway 24. TDZ elevation, 1176'.

Procedure turn S side of crs, 060° Outbnd, 240° Inbnd, 3500' within 10 miles of HKY VOR.
FAF, HKY VOR. Final approach crs, 224°. Distance FAF to MAP, 10.1 miles.
Minimum altitude over HKY VOR, 3000'; over Taylorsville FM, 2400'.
MSA: 000°–090°—4700'; 090°–180°—3600'; 180°–270°—5000'; 270°–360°—8000'.
*Standard minimums for VOR/FM equipped aircraft. For VOR only aircraft, Categories A and B, 1300-2, Category C, 1300-2¾.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-24	2400	1¾	1224	2400	2	1224	2400	2¾	1224	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	2400	1¾	1224	2400	2	1224	2400	2¾	1224	NA
	VOR/FM:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-24	1560	1	384	1560	1	384	1560	1	384	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1640	1	464	1640	1	464	1640	1½	464	NA
A	Standard*		T 2-Eng. or less—Standard.				T over 2-Eng.—Standard.			

City, Hickory; State, N.C.; Airport name, Hickory Municipal; Elev., 1176'; Facility, HKY; Procedure No. VOR Runway 24, Amdt. 10; Eff. date, 24 Apr. 69; Sup. Amdt. No. 9; Dated, 27 Mar. 69

6. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FIT NDB.
Gardner VOR	FIT NDB	Direct	3100	Make right-climbing turn to 2500'; return to FIT NDB and hold. Supplementary charting information: Hold NW of FIT NDB, 140° Inbnd, 1 minute, right turns. 1230' antenna 4 miles NW of airport.
Manchester VOR	FIT NDB	Direct	2800	
Hollis Int	FIT NDB	Direct	2300	

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 2200' within 10 miles of FIT NDB.
Final approach crs, 320°.
MSA: 000°–090°—3400'; 090°–180°—2400'; 180°–270°—3100'; 270°–360°—4200'.
NOTES: (1) Use Worcester altimeter setting. (2) Facility must be monitored aurally during approach. (3) Approach from a holding pattern not authorized; procedure turn required.
%IFR departure after takeoff, depart airport climbing to 1300' on 140° magnetic bearing from FIT NDB prior to proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1080	1	730	1320	1¼	970	1360	1¾	1010	NA
A	Not authorized.		T 2-eng. or less—700-1 all runways.%				T over 2-eng.—700-1 all runways.%			

City, Fitchburg; State, Mass.; Airport name, Fitchburg Municipal; Elev., 350'; Facility, FIT; Procedure No. NDB (ADF)-1, Amdt. 4; Eff. date, 24 Apr. 69; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 10 Oct. 64

7. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.9 miles after passing BRY NDB.
LOU VORTAC	Bardstown NDB	Direct	2500	Climb to 2500', left turn to Bardstown NDB.
Bourbon Int	Bardstown NDB	Direct	2500	
EWO VORTAC	Bardstown NDB	Direct	2500	Supplementary charting information: Hold N, 1 minute, left turns, 201° Inbnd. Chart: 930' antenna 37°49'46" N./85°27'59" W.

Procedure turn E side of crs, 021° Outbnd, 201° Inbnd, 2500' within 10 miles of Bardstown NDB.
FAF, BRY NDB. Final approach crs, 201°. Distance FAF to MAP, 1.9 miles.
Minimum altitude over Bardstown NDB, 1400'.
MSA: 000°-090°—2500'; 090°-180°—2300'; 180°-270°—2300'; 270°-360°—2500'.
NOTE: Use Louisville altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-20	1340	1	675	1340	1	675	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1340	1	675	1340	1	675	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Bardstown; State, Ky.; Airport name, Samuels Field; Elev., 665'; Facility, BRY; Procedure No. NDB (ADF) Runway 20, Amdt. 1; Eff. date, 24 Apr. 69; Sup. Amdt. No. Orig.; Dated, 6 June 68

8. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1902'. LOC 6.8 miles after passing BGM NDB.
BGM VORTAC	BGM NDB/River Int	Direct	3600	Climb to 3600' left turn direct BGM VORTAC and hold.
Greene Int	BGM NDB	Direct	3600	
Tyler Int	BGM NDB	Direct	3600	Supplementary charting information: Hold W, 1 minute, right turns, 095° Inbnd. 2549' tower, 3.9 miles SW BGM NDB. 1949' tower, 2.1 miles NE BGM NDB. TDZ elevation, 1602'.

Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 3600' within 10 miles of BGM NDB.
FAF, BGM NDB/River Int. Final approach crs, 338°. Distance FAF to MAP, 6.8 miles.
Glide slope altitude at NDB, 3552'.
Minimum glide slope interception altitude, 3600'. Glide slope altitude at OM, 2708'; at MM, 1819'.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.5 mile.
MSA within 25 miles of BGM NDB: 000°-090°—3600'; 090°-180°—3800'; 180°-360°—3600'.
NOTES: (1) ASR. (2) Back crs unusable. (3) Inoperative components or visual aids table not applicable to ALS or HIRLS; 1 mile visibility required. (4) Glide slope touchdown point 2163' from threshold.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-34	1902	1	300	1902	1	300	1902	1	300	1902	1	300
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34	1920	1	318	1920	1	318	1920	1	318	1920	1	318
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2040	1	411	2080		451	2080	1½	451	2180	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Binghamton; State, N.Y.; Airport name, Broome County; Elev., 1629'; Facility, I-BGM; Procedure No. ILS Runway 34, Amdt. 11; Eff. date, 24 Apr. 69; Sup. Amdt. No. 10; Dated, 2 May 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on March 19, 1969.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-3513; Filed, Apr. 4, 1969; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3113 is amended to show that 20 positions of Program Assistant are excepted under Schedule A when filled by persons whose current service in agricultural programs at the State level has provided specialized knowledge and experience needed by the Department. All appointments to these positions must be made by December 31, 1969. Effective on publication in the FEDERAL REGISTER, subparagraph (9) is added to paragraph (a) of § 213.3113 as set out below.

§ 213.3113 Department of Agriculture.

(a) *General.* * * *

(9) Not to exceed 20 positions of Program Assistant GS-13-15 when filled by persons whose current service in agricultural programs of the Department at the State level has provided specialized knowledge and experience needed by the Department for the more efficient administration of its programs. No new appointments may be made under this authority after December 31, 1969.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4029; Filed, Apr. 4, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Confidential Secretary to the General Counsel is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (p) is added to § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(p) *Office of the General Counsel.* (1) One Confidential Secretary to the General Counsel.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4030; Filed, Apr. 4, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Deputy General Counsel is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (35) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(35) Deputy General Counsel.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4031; Filed, Apr. 4, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Globe Artichokes [1]

On December 4, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18040) regarding the revision of U.S. Standards for Grades of Globe Artichokes (7 CFR 51.3785-51.3795). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

After consideration of all relevant matters presented by interested persons, the revision as so proposed is hereby adopted, subject to the following changes: In § 51.3789 the words, "short and smoothly cut" are changed to read "smoothly cut and not excessively long".

These standards shall become effective on May 15, 1969, and will thereupon supersede the U.S. Standards for Grades of Globe Artichokes which have been in effect since February 10, 1926 (7 CFR 51.3785-51.3795).

Dated: April 1, 1969.

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

The standards, as revised, are as follows:

GRADES

Sec.
51.3785 U.S. No. 1.
51.3786 U.S. No. 2.

TOLERANCES

51.3787 Tolerances.

APPLICATION OF TOLERANCES

51.3788 Application of tolerances.

DEFINITIONS

51.3789 Properly trimmed.
51.3790 Fairly well formed.
51.3791 Fairly compact.
51.3792 Overdeveloped.
51.3793 Damage.
51.3794 Fairly uniform in size.
51.3795 Serious damage.

METRIC CONVERSION TABLE

51.3796 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.3785 U.S. No. 1.

"U.S. No. 1" consists of artichokes which meet the following requirements:

(a) Basic requirements:

(1) Properly trimmed;

(2) Fairly well formed;

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

(3) Not overdeveloped; and,
(4) Fairly compact.
(b) Free from decay.
(c) Not damaged by any other cause.
(d) Fairly uniform in size.
(e) For tolerances see § 51.3787.

§ 51.3786 U.S. No. 2.

"U.S. No. 2" consists of artichokes which meet the following requirements:
(a) Basic requirements:
(1) Not overdeveloped; and,
(2) Not badly spread.
(b) Free from decay.
(c) Not seriously damaged by any other cause.
(d) Fairly uniform in size.
(e) For tolerances see § 51.3787.

TOLERANCES

§ 51.3787 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:
(a) 10 percent for artichokes in any lot which fail to meet the requirements for the grade, including not more than 2 percent for artichokes affected by decay.

APPLICATION OF TOLERANCES

§ 51.3788 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:
(a) For a tolerance of 10 percent or more, individual packages shall have not more than 1½ times the tolerance specified, and for a tolerance of less than 10 percent individual packages shall have not more than double the tolerance specified: *Provided*, That at least one defective specimen may be allowed in any package: *And provided further*, That the averages for the entire lot are within the tolerances specified for the grade.

DEFINITIONS

§ 51.3789 Properly trimmed.

"Properly trimmed" means that the stem is smoothly cut and not excessively long.

§ 51.3790 Fairly well formed.

"Fairly well formed" means that the artichoke is not excessively long and pointed.

§ 51.3791 Fairly compact.

"Fairly compact" means that the artichoke is reasonably firm and not more than slightly spread.

§ 51.3792 Overdeveloped.

"Overdeveloped" means that the artichoke has a brownish color; that the scales are tough, leathery, and stringy; and, that the flower in the center of the bud has turned dark pink or purple and become fuzzy.

§ 51.3793 Damage.

"Damage" means any defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the artichoke.

§ 51.3794 Fairly uniform in size.

"Fairly uniform in size" means that not more than 10 percent, by count, of the artichokes in any container may vary more than one-half inch in diameter.
(a) "Diameter" means the greatest dimension measured at right angles to a line from the stem to the opposite end of the artichoke.

§ 51.3795 Serious damage.

"Serious damage" means any defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the artichoke.

METRIC CONVERSION TABLE

§ 51.3796 Metric conversion table.

Inches	Millimeters (mm)
⅛ equals	3.2
¼ equals	6.4
½ equals	12.7
¾ equals	19.1
1 equals	25.4
1½ equals	38.1
2 equals	50.8
3 equals	76.2
4 equals	101.6
5 equals	127.0
6 equals	152.4
7 equals	177.8
8 equals	203.2
9 equals	228.6

[F.R. Doc. 69-4048; Filed, Apr. 4, 1969; 8:50 a.m.]

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

[Lemon Reg. 368]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.668 Lemon Regulation 368.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.
(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 1, 1969.
(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period April 6, 1969, through April 12, 1969, are hereby fixed as follows:
(i) District 1: 11,160 cartons;
(ii) District 2: 198,090 cartons;
(iii) District 3: Unlimited movement.
(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: April 3, 1969.

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

[F.R. Doc. 69-4089; Filed, Apr. 4, 1969; 8:50 a.m.]

[Grapefruit Reg. 59]

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

Limitation of Handling

§ 912.359 Grapefruit Regulation 59.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information

submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period April 7, 1969 through April 13, 1969, is hereby fixed at 150,000 standard packed boxes.

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

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

Dated: April 4, 1969.

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

[F.R. Doc. 69-4119; Filed, Apr. 4, 1969; 11:20 a.m.]

[Grapefruit Reg. 28]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.328 Grapefruit Regulation 28.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 3, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period April 7, 1969 through April 13, 1969, is hereby fixed at 187,500 standard packed boxes.

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

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

Dated: April 4, 1969.

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

[F.R. Doc. 69-4120; Filed, Apr. 4, 1969; 11:20 a.m.]

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

[Milk Order No. 133]

PART 1133—MILK IN INLAND EMPIRE MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Inland Empire marketing area (7 CFR Part 1133), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the period through November 30, 1969:

1. In § 1133.71(f), the provision "except for the months specified below,"; and

2. In § 1133.71, paragraphs (g), (h), (i), (j), and (k) in their entirety.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The provisions being suspended are those which would reduce by 30 cents per hundredweight the uniform price to be paid producers for milk delivered in each of the months of April through June to provide a fund to be used in increasing the uniform price to be paid producers in each of the months of September through November. These provisions do not affect the cost of milk to handlers and the suspension will not effect the annual level of returns to producers.

Cooperative associations representing a substantial majority of the milk supply for the market requested that the seasonal incentive payment plan be inoperative for the remainder of 1969. They state that because of an unusually severe winter resulting in a very short hay crop and an extra long feeding season, producers need the additional 30 cents this spring to pay the feed bills. They further state suspension would preclude the incentive payment plan from overlapping with a Class I base plan for the

market should such a plan be adopted during the year. A hearing to consider such a plan has been requested by the associations and other interested persons.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (34 F.R. 5383). All those that were filed favored the proposed suspension.

Therefore, good cause exists for making this order effective April 1, 1969.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period April 1, 1969, through November 30, 1969.

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

Effective date: April 1, 1969.

Signed at Washington, D.C., on April 1, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69–4019; Filed, Apr. 4, 1969; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

Time of Presentation of Shipper's Export Declarations

Pursuant to title 13, United States Code, section 302, the following amendment is made to the regulations published in the FEDERAL REGISTER on August 27, 1966 (31 F.R. 11368) (15 CFR Part 30). In accordance with administrative procedure, 5 U.S.C. 553, notice and hearing on these amendments and postponement of the effective date thereof are unnecessary because (1) the amendment is a change in the substantive rules which grant or recognize exemptions or relieve restrictions, and (2) is an interpretive rule and statement of policy.

Effective date. This amendment to the Foreign Trade Statistics Regulations is effective on the date of publication in the FEDERAL REGISTER.

Section 30.12 is amended to read as follows:

§ 30.12 Time and place Shipper's Export Declarations required to be presented.

For shipments by mail, the Shipper's Export Declaration as required in § 30.1 shall be presented to the Postmaster with the packages at the time of mailing. For shipments other than by mail, the Shipper's Export Declaration in the number of copies required by § 30.5 shall be presented to the Customs Director at the port of exportation, as defined below in this section. For shipments by vessel or air to foreign countries, except Canada, the Shipper's Export Declaration must be presented to the Customs Director and authenticated by the Customs Director in accordance with the procedure outlined in § 30.14(a) prior to placing the goods on board the exporting vessel or aircraft. For all other shipments, except by pipeline, the Shipper's Export Declaration must be presented in accordance with the applicable procedures outlined in § 30.14 (a) or (b) prior to exportation. For exports by pipeline, Shipper's Export Declarations may be presented after exportation, at the end of each month, in accordance with procedures outlined in § 30.14(c). For purposes of these regulations, the port of exportation is defined as the Customs port at which or nearest to which the land surface carrier transporting the merchandise crosses the border of the United States into foreign territory, or, in the case of exportation by vessel or air, the Customs port where the merchandise is loaded on the vessel or aircraft which is to carry the merchandise to a foreign country or to a nonforeign area of ultimate destination. Except as otherwise specifically provided,[1] declarations should not be filed at the place where the shipment originates if it is to be transshipped within the United States area before being dispatched to a foreign country or its final destination in a nonforeign area. This applies to shipments originating in Puerto Rico or the Virgin Islands of the United States being forwarded to the United States for transshipment to another destination, and to shipments originating in the United States and being forwarded to Puerto Rico or the Virgin Islands of the United States for transshipment, as well as to merchandise being transshipped in Customs Districts within the States of the United States. In such cases, the declarations should be filed only with the Customs Director at the actual port of exportation. It is permissible for exporters to arrange for presentation of the declaration by the carrier, as authorized above in this section, and for this purpose the declarations may be delivered by the exporter to the carrier at the original port of lading.

A. ROSS ECKLER,
Director, Bureau of the Census.

FEBRUARY 26, 1969.

I concur: March 14, 1969.

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

[F.R. Doc. 69–4010; Filed, Apr. 4, 1969; 8:48 a.m.]

[1] For provisions permitting the filing of declarations at other ports, see § 30.36.

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart J—Equal Employment Opportunity

NOTICE TO PUBLIC AND AGREEMENT OF APPLICANT

Section 200.405 is amended to read as follows:

§ 200.405 Notice to public.

Participants in insurance programs under the National Housing Act shall be informed, as early as possible upon indicating their interest in any such program, of the established policy of nondiscrimination in employment in construction, repair or rehabilitation work financed with assistance under the Act.

Section 200.415 is amended to read as follows:

§ 200.415 Agreement of applicant.

An applicant shall, prior to the Commissioner's issuance of any commitment or other loan approval, agree (in a form prescribed by the Commissioner) that there shall be no discrimination against anyone who is employed in carrying out work receiving assistance pursuant to this chapter, or against an applicant for such employment, because of race, color, religion, sex or national origin.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., March 25, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69–3992; Filed, Apr. 4, 1969; 8:46 a.m.]

SUBCHAPTER Q–1—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

PART 242—NONPROFIT HOSPITALS

Eligibility Requirements

In Part 242, Subpart A is amended to read as follows:

Subpart A—Eligibility Requirements

Sec.
242.1 Definitions.
242.3 Applications.
242.5 Certification by State agency.
242.7 Commitments.
242.9 Inspection fee.
242.11 Fees on increases.

AUTHORITY: The provisions of this Subpart A issued under sec. 211, 52 Stat. 23, as amended, sec. 242, 82 Stat. 5999, as amended; 12 U.S.C. 1715b, 1715z-7.

Subpart A—Eligibility Requirements

§ 242.1 Definitions.

As used in this subpart, the following terms shall have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representatives.

(b) "Hospital" means a facility—

(1) Which provides community service for inpatient medical care of the sick or injured (including obstetrical care);

(2) Where not more than 50 percent of the total patient days during any year are customarily assignable to the categories of chronic convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental, and tuberculosis; and

(3) Which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure to the benefit of any private shareholder or individual.

(c) "Mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located, together with any credit instrument secured thereby. The mortgage may be in the form of one or more trust mortgages or mortgage indentures or deeds of trust securing notes, bonds, or other credit instruments; and by the same instrument or by a separate instrument, it may create a security interest in initial equipment whether or not the equipment is attached to the realty.

(d) "Mortgagee" means the original lender under a mortgage, and its successors and assigns, and includes the holders of credit instruments issued under a trust indenture, mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

(e) "Mortgagor" means the original borrower under a mortgage and its successors and assigns.

(f) "Project" means a hospital which has been approved by the Commissioner under the provisions of this subpart.

(g) "State" includes the several states, Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

§ 242.3 Applications.

(a) *Prior approval.* An application for insurance of a mortgage under this part shall be considered only in connection with a hospital proposal which has been approved by the Secretary of Health, Education, and Welfare, or his designee, as substantially in accord with those provisions of title VI of the Public Health Service Act and regulations issued thereunder relating to determination of need for the facility and general standards of construction and equipment.

(b) *Filing of application.* An application for insurance of a mortgage on a project shall be submitted on an approved FHA form by an approved mortgagee and by the sponsors of such project through the local FHA office.

(c) *Application fee.* An application fee of $1.50 per thousand dollars of the amount of the loan applied for shall accompany the application.

§ 242.5 Certification by State agency.

Every application for insurance under this part shall be accompanied by a certificate of the State agency designated in accordance with section 604(a)(1) of the Public Health Service Act for the State in which the project is or will be located, which certificate shall indicate that:

(a) There is a need for the hospital.

(b) There are in force in the state or other political subdivision of the State in which the proposed hospital will be located reasonable minimum standards of licensure and methods of operation for hospitals and such standards and methods of operation will be applied and enforced with respect to the hospital.

§ 242.7 Commitments.

(a) *Issuance of commitment.* Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the mortgage will be insured.

(b) *Types of commitments.* The commitment may provide for the insurance of advances of mortgage money made during construction or may provide for the insurance of the mortgage after completion of the improvements.

(c) *Term of commitment.* (1) If the commitment fee is paid as required, a commitment shall have a term which is determined as follows:

(i) A commitment to insure advances shall be effective for a period of not more than 180 days from the date of issuance.

(ii) A commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction, and if construction is begun as required, for such additional period as the Commissioner deems necessary for completion of construction.

(2) The term of a commitment may be extended in such manner as the Commissioner may prescribe.

(d) *Commitment fee.* A commitment fee which, when added to the application fee, will aggregate $3 per thousand dollars of the amount of the loan set forth in the commitment, shall be paid within 30 days after the date of the commitment. If the payment of a commitment fee is not received by the Commissioner within 30 days after the date of issuance of a commitment, the commitment shall expire on the 30th day.

§ 242.9 Inspection fee.

The commitment may provide for the payment of an inspection fee in an amount not to exceed $5 per thousand dollars of the commitment. Such inspection fee shall be paid at the time of initial endorsement, if the case involves the insurance of advances, or prior to the date construction is begun, if the case involves insurance upon completion.

§ 242.11 Fees on increases.

(a) *Increase in commitment prior to endorsement.* Upon an application, filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion), for an increase in the amount of an outstanding commitment, an additional application fee of $1.50 per thousand dollars computed on the amount of the increase requested shall accompany the application. Any increase in the amount of a commitment shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3 per thousand dollars of

the amount of the increase. The additional commitment fee shall be paid within 30 days after the date of the amended commitment. If the additional commitment fee is not paid within 30 days, the commitment for the increased amount will expire and the previous commitment will be reinstated. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5 per thousand dollars of the amount of increase in commitment. Where insurance of advances is involved, the additional inspection fee shall be paid at the time of initial endorsement. Where insurance upon completion is involved, the additional inspection fee shall be paid prior to the date construction is begun or within 30 days after the date of the issuance of the amended commitment, if construction has begun.

(b) *Increase in mortgage between initial and final endorsement.* Upon an application, filed between initial and final endorsement, for an increase in the amount of the mortgage, either by amendment or by substitution of a new mortgage, an additional application fee of $1.50 per thousand dollars computed on the amount of the increase requested shall accompany the application. The approval of any increase in the amount of the mortgage shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3 per thousand dollars of the amount of the increase granted. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5 per thousand dollars of the amount of the increase granted. The additional commitment and inspection fees shall be paid within 30 days after the increase is granted.

§ 242.13 Reopening of expired commitments.

An expired commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. A commitment which has expired because of failure to pay the commitment fee may be reopened only upon payment of the commitment fee and the reopening fee. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by an application fee, must be submitted. If a commitment for an increased amount has expired because of failure to pay an additional commitment fee based on the amount of the increase, the reopening fee shall be computed on the basis of the amount of the commitment increase rather than on the amount of the original commitment.

§ 242.15 Transfer fee.

A transfer fee of 50 cents per thousand dollars of the original face amount of the mortgage shall be paid upon application for approval of a transfer of physical assets or the substitution of a mortgagor.

§ 242.17 Refund of fees.

Commitment, inspection, and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that the construction or financing of the project has been prevented because of condemnation proceedings or other legal action taken by a government body or public agency, or in such other instances as the Commissioner may determine. A transfer fee may be refunded only in such instances as the Commissioner may determine.

§ 242.19 Maximum fees and charges by mortgagee.

The mortgagee may collect from the mortgagor the amount of the fees provided for in this subpart. The mortgagee may also collect from the mortgagor an initial service charge not to exceed 2 percent of the original principal amount of the mortgage to reimburse the mortgagee for the cost of closing the transaction. Any additional charges or fees collected from the mortgagor shall be subject to prior approval of the Commissioner.

§ 242.21 Eligible hospitals.

The hospital to be financed with a mortgage insured under this part shall involve the construction of a new hospital or the rehabilitation of an existing hospital.

§ 242.23 Eligible mortgagors.

The mortgagor shall be a nonprofit corporation or association approved by the Commissioner and which possesses the legal powers necessary and incidental to operating a hospital.

§ 242.25 Eligible mortgagees.

The provisions of §§ 203.1 through 203.4 of this chapter and §§ 203.6 through 203.9 of this chapter shall govern the eligibility, qualifications and requirements of mortgagees under this subpart.

§ 242.27 Maximum mortgage amounts.

The mortgage shall involve a principal obligation not in excess of the lesser of the following:

(a) $25 million; or

(b) 90 percent of the Commissioner's estimate of the replacement cost of the hospital, including the equipment to be used in its operation when the proposed improvements are completed and the equipment is installed.

§ 242.29 Adjusted and reduced mortgage amounts.

(a) *Adjusted mortgage amount—rehabilitation projects.* A mortgage financing the rehabilitation of an existing hospital shall be subject to the following limitations, in addition to those set forth in § 242.27:

(1) *Property held unencumbered.* If the mortgagor is the fee simple owner of the property and the ownership is not encumbered by an outstanding indebtedness, the mortgage shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed rehabilitation.

(2) *Property subject to existing mortgage.* If the mortgagor owns the property subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the mortgage shall not exceed the total of the following:

(i) The Commissioner's estimate of the cost of rehabilitation, plus

(ii) Such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to rehabilitation.

(3) *Property to be acquired.* If the property is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the mortgage shall not exceed 90 percent of the total of the following:

(i) The Commissioner's estimate of the cost of rehabilitation, plus

(ii) The actual purchase price of the land and improvements or the Commissioner's estimate (prior to rehabilitation) of the fair market value of such land and improvements, whichever is the lesser.

(b) *Reduced mortgage amounts—leaseholds.* If the mortgage is on a leasehold estate rather than a fee simple holding, the maximum mortgage amount based upon the limitations of this part is subject to reduction by an amount equal to the capitalized value of the ground rent.

(c) *Reduced mortgage amounts—costs.* The Commissioner may require a reduction in the mortgage amount after completion if 90 percent of the actual cost of development of the project is less than the mortgage amount stated in the commitment.

§ 242.31 Mortgage form and disbursement of mortgage proceeds.

(a) *Mortgage form.* The mortgage shall be in a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, which form shall not be changed without the prior written approval of the Commissioner.

(b) *Disbursement of mortgage proceeds.* The mortgagee shall be obligated, as a part of the mortgage transaction, to disburse the principal amount of the mortgage to (or for the account of) the mortgagor or to his creditors for his account and with his consent.

§ 242.33 Maximum interest rate.

The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 7½ percent. Interest shall be payable in monthly installments on the principal then outstanding.

§ 242.35 Maturity.

The mortgage shall have a maturity not to exceed 25 years from the date amortization begins.

§ 242.37 Payment requirements.

The mortgage shall provide for payments on the first day of each month on

account of interest and for payments to principal in accordance with an amortization plan or sinking fund provisions agreed upon by the mortgagor, the mortgagee and the Commissioner.

§ 242.39 Application of payments.

All payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply each payment received to the following items in the order set forth:

(a) Premium charges under the contract of mortgage insurance.

(b) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums.

(c) Interest on the mortgage.

(d) Amortization of the principal of the mortgage.

§ 242.41 Accumulation of accruals.

(a) The mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee one payment period prior to its due date, the next annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, water charges, special assessments, and fire and other hazard insurance premiums, within a period ending 1 month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee, for the purpose of paying such items before they become delinquent. The mortgage shall also make provision for adjustments in case such estimated amounts shall prove to be more, or less, than the actual amounts so paid therefor by the mortgagor.

§ 242.43 Covenant for fire insurance.

The mortgage shall contain a covenant requiring the mortgagor to keep the property insured against fire and such other hazards as the Commissioner may indicate. Such insurance shall be in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in an amount estimated by the Commissioner to be the value of the project at the time of its completion. The policies evidencing such insurance shall have attached thereto standard mortgagee clauses making losses payable to the mortgagee and the Commissioner, as interests may appear.

§ 242.45 Racial restriction covenant.

The mortgage shall contain a covenant that, until the mortgage has been paid in full or the contract of insurance otherwise terminated, the mortgagor will not execute or file for record any instrument which imposes a restriction upon the sale or use of the mortgaged property on the basis of race, color, or creed. This covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof, the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

§ 242.47 Issuance of bonds secured by trust indenture.

In the event that bonds or other obligations are to be issued as a part of the insured mortgage transaction, the form of bonds and the form of trust indenture shall be subject to the approval of the Commissioner, and shall be subject to the following conditions:

(a) The Trustee named in such trust indenture shall be a banking institution or trust company (authorized to act in a fiduciary capacity and which is a mortgagee approved by the Commissioner); and

(b) The Trustee shall be the holder of record of the insured mortgage (represented by the trust indenture) and shall be authorized to act on behalf of the holders of such bonds or other obligations in all matters concerning the mortgage insurance contract; and

(c) The holders of the bonds or other obligations shall look solely to the Trustee for the benefits of the contract of mortgage insurance and the trust indenture shall expressly authorize the Commissioner to make payment of any claim under the contract of mortgage insurance to the Trustee, without liability or accountability to the bond holders to see to the application of the mortgage insurance contract benefits; and

(d) The bonds or other obligations shall be issued only to holders meeting the following qualifications:

(1) A mortgagee approved by the Commissioner;

(2) A pension or retirement fund or a profit-sharing plan maintained and administered by a corporation or by a governmental agency or by a trustee or trustees, which has lawful authority to acquire the bonds of other obligations; or

(3) A charitable or nonprofit organization.

§ 242.49 Mortgage lien.

The mortgagor shall certify at the final endorsement of the mortgage for insurance as to each of the following:

(a) That the mortgage is the first lien upon and covers the entire project including the equipment financed with mortgage proceeds.

(b) That the property upon which the improvements have been made or constructed and the equipment financed with mortgage proceeds are free and clear of all liens other than the insured mortgage and such other liens as may be approved by the Commissioner.

(c) That the certificate sets forth all unpaid obligations in connection with the mortgage transaction, the purchase of the mortgaged property, the construction or rehabilitation of the project or the purchase of the equipment financed with mortgage proceeds.

§ 242.51 Prepayment privilege, prepayment and late charges.

(a) *Prepayment privilege.* The mortgage indebtedness shall not be prepaid in full and the Commissioner's controls shall not be terminated unless the Commissioner gives his prior consent to such prepayment.

(b) *Prepayment charge.* The mortgage may contain a provision for such additional charge, in the event of prepayment of principal, as may be agreed upon between the mortgagor and the mortgagee. However, the mortgagor shall be permitted to prepay up to 15 percent of the original principal amount of the mortgage in any one calendar year without any such additional charge. Any reduction in the original principal amount of the mortgage which the Commissioner may require pursuant to § 242.29(c) shall not be construed as a prepayment of the mortgage.

(c) *Late charge.* The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment to interest or principal more than 15 days in arrears, to cover the expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

§ 242.53 Insured advances—building loan agreement.

Prior to the initial endorsement of the mortgage for insurance, the mortgagor and mortgagee shall execute a building loan agreement, approved by the Commissioner, setting forth the terms and conditions under which progress payments may be advanced during construction. To be covered by mortgage insurance, each progress payment shall be approved by the Commissioner.

§ 242.55 Funds and finances—deposits and letters of credit.

(a) *Deposits.* Where the Commissioner requires the mortgagor to make a deposit of cash or securities, such deposit shall be with the mortgagee or a depository acceptable to the mortgagee. The deposit shall be held by the mortgagee in a special account or by the depository under an appropriate agreement approved by the Commissioner.

(b) *Letter of credit.* Where the use of a letter of credit is acceptable to the Commissioner in lieu of a deposit of cash or securities, the letter of credit shall be issued to the mortgagee by a banking institution and shall be unconditional and irrevocable. The mortgagee shall be responsible to the Commissioner for collection under the letter of credit. In the event a demand for payment thereunder is not immediately met, the mortgagee shall forthwith provide a cash deposit equivalent to the undrawn balance of the letter of credit.

§ 242.57 Funds and finances—insured advances—general requirements.

(a) *Establishment of funds.* If the commitment provides for insurance of advances during construction, the mortgagor shall, prior to initial endorsement, make each of the following deposits:

(1) An amount determined by the Commissioner as sufficient (when added to the proceeds of the insured mortgage) to assure completion of the project and to pay the initial service charge, the carrying charges, and the legal and organization expenses incident to the project. The deposit shall be in cash and shall be held by the mortgagee under an appropriate agreement, approved by the Commissioner, requiring that prior to the advance of any mortgage money, all the cash be disbursed for work and material on the physical improvements and for any other charges and expenses which are payable.

(2) An amount representing all fees and charges to be paid by the mortgagor in connection with financing which are in excess of the initial service charge and which have been approved by the Commissioner.

(b) *Letter of credit.* The mortgagee may accept a letter of credit in lieu of the cash deposit required by paragraph (a) (2) of this section.

§ 242.59 Funds and finances—offsite utilities and streets.

The Commissioner may require a cash deposit in such amount as may be necessary to complete offsite public utilities and streets. The mortgagee may accept a letter of credit in lieu of any such cash deposit.

§ 242.61 Funds and finances—insured advances—assurance of completion.

The mortgagor shall furnish assurance of completion of the project in a form and amount satisfactory to the Commissioner.

§ 242.63 Prevailing wage determination.

After the filing of the application for insurance and prior to the beginning of construction, the Commissioner shall obtain from the Secretary of Labor a determination as to the wages prevailing for the various classes of laborers and mechanics in the area where the project is to be constructed.

§ 242.65 Wage certificates and payroll records.

No advance under the mortgage shall be eligible for insurance unless there has been filed such wage certificates and payroll records as may be required by the Commissioner to determine that laborers and mechanics employed in the construction of the project have been paid not less than the prevailing wages determined by the Secretary of Labor and any overtime wages at a rate not less than one and one-half times the basic rate of pay for all work time in excess of 8 hours during any workday or in excess of 40 hours during any workweek.

§ 242.67 Labor standards.

(a) *Contract requirements.* Any contract, subcontract, or building loan agreement, executed for the performance of construction or rehabilitation of the hospital, shall contain provisions covering the following requirements:

(1) A requirement for compliance with all applicable regulations of the Secretary of Labor relating to the payment of prevailing wages.

(2) A requirement that each laborer or mechanic employed in the construction or rehabilitation receive compensation at a rate not less than one and one-half times his basic rate of pay for all work time in excess of 8 hours during any workday or in excess of 40 hours during any workweek.

(b) *Waiver of compliance with contract requirements.* The Commissioner may waive the requirement for compliance with the contract provisions prescribed in paragraph (a) of this section in cases or classes of cases where laborers or mechanics, not otherwise employed at any time in the construction or rehabilitation of the hospital, voluntarily donate their services without compensation for the purpose of lowering the costs of construction and where the Commissioner determines that full credit has been received by the mortgagor for any amounts saved through such donated services.

§ 242.69 Construction contracts.

(a) *Awarding of contract.* A contract for the construction or rehabilitation of a hospital shall be entered into by a mortgagor with a builder selected by a competitive bidding procedure acceptable to the Commissioner.

(b) *Form of contract.* The construction contract shall be a lump sum form providing for payment of a specified amount.

§ 242.71 Ineligible contractors.

(a) Contracts relating to the construction of the project shall not be made with a general contractor or a subcontractor (or any firm, corporation, partnership, or association in which such contractor or subcontractor has a substantial interest), the name of which is on the list of ineligible contractors or subcontractors established by the Commissioner, or by the Comptroller General under the applicable regulations of the Secretary of Labor.

(b) If the Commissioner determines that a contract has been made contrary to the requirements of paragraph (a) of this section and so notifies the mortgagee, the Commissioner may refuse to insure any subsequent advances of mortgage proceeds.

§ 242.73 Discrimination in employment prohibited.

Any contract or subcontract for the construction or rehabilitation of the project shall contain a provision that there shall be no discrimination against any employee, or applicant for employment because of race, color, religion, sex, or national origin.

§ 242.75 Supervision of mortgagor—form of regulation.

As long as the Commissioner is the insurer or holder of the mortgage, he may regulate the mortgagor by means of a regulatory agreement, corporate charter or such other means as the Commissioner may prescribe.

§ 242.77 Supervision of mortgagor—maintenance of project.

The mortgagor shall maintain the project's grounds and buildings and the equipment financed with mortgage proceeds in good repair and shall promptly complete such repairs and maintenance as the Commissioner considers necessary.

§ 242.79 Supervision of mortgagor—books and accounts.

The mortgagor's books and accounts relating to the operation of the physical facilities of the project shall be established in a manner satisfactory to the Commissioner, and shall be kept in accordance with the requirements of the Commissioner as long as the mortgage is insured or held by the Commissioner. The mortgagor shall file with the Commissioner such financial reports as the Commissioner may require.

§ 242.81 Supervision of mortgagor—inspection of facilities by Commissioner.

The mortgaged property (including buildings and equipment) and the books, record and documents relating to the operation of the physical facilities of the project shall be subject to inspection and examination by the Commissioner or his authorized representative at all reasonable times.

§ 242.83 Supervision of mortgagor—nondiscrimination.

The mortgagor shall deal with employees and applicants for employment and shall make the hospital facilities available for use without discrimination based on race, color, religion, sex, or national origin.

§ 242.85 Zoning, deed or building restrictions.

The project when completed shall not violate any material zoning or deed restrictions applicable to the project site, and shall comply with all applicable building and other governmental regulations and requirements.

§ 242.87 Property requirements.

A mortgage to be eligible for insurance shall cover real estate in which the mortgagor has one of the following interests:

(a) A fee simple title.

(b) A lease for not less than 99 years which is renewable.

(c) A lease having a term of not less than 50 years to run from the date the mortgage is executed.

§ 242.89 Title requirements.

In order for the mortgaged property to be eligible for insurance, the Commissioner shall determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is

filed for record. The title evidence shall be examined by the Commissioner and the endorsement of the credit instrument for insurance shall be evidence of its acceptability.

§ 242.91 Title evidence.

Upon insurance of the mortgage, the mortgagee shall furnish to the Commissioner a survey of the mortgage property, satisfactory to him, and a policy of title insurance covering such property, as provided in paragraph (a) of this section. If, for reasons the Commissioner deems satisfactory, title insurance cannot be furnished, the mortgagee shall furnish such evidence of title in accordance with paragraph (b) or (c) of this section, as the Commissioner may require. Any survey, policy of title insurance, or evidence of title required under this section shall be furnished without expense to the Commissioner. The types of title evidence are:

(a) A policy of title insurance issued by a company and in a form satisfactory to the Commissioner. The policy shall name as the insureds the mortgagee and the Secretary of Housing and Urban Development, as their respective interests may appear. The policy shall provide that upon acquisition of title by the mortgagee or the Secretary, it will become an owner's policy running to the mortgagee or the Secretary, as the case may be.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

§ 242.93 Miscellaneous mortgages—existing hospitals.

(a) The Commissioner may, under such terms and conditions as he may prescribe, insure a mortgage given to finance or refinance an existing hospital that does not have permanent financing, if the construction of such hospital was completed between January 1, 1966, and August 1, 1968.

(b) The aggregate principal balance of all mortgages insured under paragraph (a) of this section and outstanding at any time shall not exceed $20 million.

§ 242.95 Loans to cover 2-year operating losses.

(a) *Operating loss determination.* When the Commissioner determines that an operating loss has occurred during the first 2 years following completion of the project, he may, in his discretion, accept for insurance under this part, a loan to cover such loss. For the purposes of this section, an operating loss shall occur when the Commissioner determines that the total of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project (excluding depreciation) exceeds the project income.

(b) *Security instrument.* The loan shall be secured by an instrument in a form approved by the Commissioner for use in the jurisdiction in which the project is located.

(c) *Maximum interest rate.* The loan may bear interest at such rate as may be agreed upon by the mortgagee and the mortgagor, but in no case shall such rate exceed the rate in effect under this subpart on the date of the commitment to insure such loan. Interest shall be payable in monthly installments on the principal then outstanding.

(d) *Maturity.* The loan shall be limited to a term not exceeding the unexpired term of the original mortgage.

(e) *Fee.* A combined application and commitment fee of $3 per thousand dollars of the amount of the loan set forth in the commitment shall be paid within 30 days of the date of the commitment.

§ 242.249 Amendment of regulations.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

Issued at Washington, D.C., March 25, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-3993; Filed, Apr. 4, 1969; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 6 (INS-1, 11th Rev.)]

INS-1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Effective as of March 31, 1969, midnight, e.s.t., INS-1 is hereby revised to read as follows:

Sec.
1. Purpose.
2. Insurer.
3. Assured.
4. Vessels insured and terms of insurance.
5. Assumption of risk by owner and attachment and cancellation dates of commercial insurance.
6. Issuance of policies or certificates by Underwriter.
7. Insurance premiums.
8. Reports of accidents and occurrences.
9. Settlement of claims.
10. Litigation and employment of counsel.
11. Report of claims.
12. Application and interpretation of this order.

AUTHORITY: Secs. 1 to 12, issued under sec. 204, 49 Stat. 1967, as amended; 46 U.S.C. 1114.

Sec. 1 Purpose.

Effective as of March 31, 1969, midnight, e.s.t., this order prescribes instructions with respect to the placing of commercial marine protection and indemnity (referred to as "P & I") insurance and the handling of claims of a P & I insurance nature, required to be followed by General Agents and Berth Agents under General Agency Agreements and Berth Agency Agreements, respectively, with the United States of America, acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce (referred to as "Owner").

Sec. 2 Owner.

National Indemnity Co. (hereinafter referred to as "underwriter"), entered into an insuring agreement with the owner covering the period from March 31, 1969, midnight, e.s.t., to March 31, 1970, midnight, e.s.t.

Sec. 3 Assured.

The assureds are (a) the United States of America, acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce, and (b) its General Agents and Berth Agents, and Subagents acting on behalf of either.

Sec. 4 Vessels insured and terms of insurance.

The underwriter has agreed to provide P & I insurance with respect to General Agency vessels operated in the employment of the Military Sea Transportation Service (referred to as "MSTS"), for a period of 1 year from midnight, e.s.t., March 31, 1969, at an annual rate of $5.915 per gross registered ton on a daily pro rata basis, attaching as provided in section 5 (a), (b), (c), (d), (e), and (g) and terminating as of midnight, e.s.t., March 31, 1970, or in accordance with section 5 (c) and (f). This insurance covers the vessel's liability of a P & I insurance nature except for any loss, damage or expense in respect to cargo, including baggage and personal effects of passengers, if any, or cargo's proportion of general average or special charges, or in any other way relating to cargo which is to be carried, is being carried, or has been carried on board such vessels. The limit of liability in any claim shall be $250,000 for each accident or occurrence resulting in personal injury, illness, or death, and $500 for each accident or occurrence of other types except "putting in," burial expenses, and damage to docks, buoys, etc. Claims for "putting in," burial expenses, and damage to docks, buoys, etc. are not subject to any deduction. The underwriter has

agreed to accept liability not to exceed $500 for burial expenses.

Sec. 5 Assumption of risk by owner and attachment and cancellation dates of commercial insurance.

(a) *Vessels allocated and delivered to General Agents at fleet site under General Agency Agreement 3–19–51 (Amended 3–69) and addendum thereto.* When vessels are allocated and delivered to General Agents at fleet site, the owner will assume the risks of a P & I insurance nature from the date and hour of the vessel's delivery to the General Agent at fleet site to 12:01 a.m. (local time) of the day the vessel is accepted by MSTS, or until 12:01 a.m. (local time) of the date of initial signing on of crew under articles (not the effective date in the event articles are dated prior to or later than the initial signing on), or until 12:01 a.m. (local time) of the day the vessel leaves the reactivation yard for the purpose of undergoing sea trials, whichever shall occur first. As of that time, the P & I risks shall be commercially insured with the underwriter, and the General Agents shall arrange to have the insurance so attached.

(b) *Vessels delivered from bareboat charter and allocated for operation under General Agency Agreement 3–19–51 (Amended 3–69) and addendum thereto.* When vessels are delivered from bareboat charter and delivered to General Agents for operation under General Agency Agreement 3–19–51 (Amended 3–69) and addendum thereto, the P & I insurance risks shall be commercially insured with the Underwriter and the General Agents shall arrange to have P & I insurance attached as of the date and hour of the vessel's delivery under the agreement.

(c) *Vessels transferred from one General Agent to another under General Agency Agreement 3–19–51 (Amended 3–69) and addendum thereto.* When a vessel is withdrawn from operation under one General Agent and allocated to another for operation, the respective General Agents shall, unless advised to the contrary, arrange with the underwriter for the termination and reattachment of P & I insurance as of the respective dates and hours of redelivery and delivery of the vessel from and to the respective General Agents.

(d) *New vessels allocated and delivered under General Agency Agreement 3–19–51 (Amended 3–69) and addendum thereto.* When new vessels are allocated and delivered to General Agents directly from the builder's yard, the General Agents shall, unless advised to the contrary, arrange for commercial P & I insurance with the underwriter to have the insurance attach as of the date and hour of the vessel's delivery under the agreement.

(e) *Vessels presently in operation under General Agency Agreement 3–19–51 (Amended 3–69) and addendum thereto.* In respect to the vessels in operation on the effective date of the new P & I insurance contract, the General Agents shall immediately declare such vessels to the underwriter, and the insurance shall attach on each such vessel in accordance with the new P & I insurance contract as of midnight, e.s.t., March 31, 1969.

(f) *Vessels redelivered to reserve fleets.* General Agents shall terminate the commercial P & I insurance on these vessels as of midnight (local time) of the day the vessel is redelivered to the fleet site, whether in reduced operational status or for permanent layup.

(g) *Vessels in reduced operational status and again delivered to General Agents for operation.* General Agents shall reattach the commercial P & I insurance on those vessels as of 12:01 a.m. (local time) of the day that the vessels are delivered to the General Agents at fleet site.

(h) *Notice of attachment and termination of insurance.* General Agents shall promptly notify the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, of the date and hour of the attachment or of the termination of P & I insurance after either is effected in accordance with paragraphs (a), (b), (c), (d), (e), (f), and (g) of this section.

Sec. 6 Issuance of policies or certificates by Underwriter.

The underwriter, upon receipt of applications from General Agents, will arrange for execution and delivery of the policies and/or certificates to such General Agents with respect to each vessel named in such applications. The underwriter will also furnish such copies of policies and/or certificates as may be required by the owner and the General Agents. The original of all policies and/or certificates shall be promptly forwarded by each General Agent to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Department of Commerce, Washington, D.C. 20235. Upon cancellation of this insurance, the Underwriter will issue an endorsement with respect to such cancellation, showing the cancellation date and amount of return premium.

Sec. 7 Insurance premiums.

(a) *Payment of premiums.* Premiums for P & I insurance provided under the policies shall be paid by each General Agent quarterly, in advance, for the period from the date of attachment of such insurance to the date of expiration. Brokerage, if any, shall be allowed, but in no event to exceed ½ percent of the annual premiums for each commenced quarter.

(b) *Return premiums.* Each General Agent shall be responsible for collection or obtaining credit for return premiums provided for in the current policy for all vessels insured with the underwriter pursuant to this order. Such return premiums shall be computed in accordance with the provisions of such policy. Statements or credit memoranda shall be obtained in duplicate from the underwriter; the originals thereof shall be filed in the General Agent's office subject to inspection by the owner's auditors, and shall be retained until completion of audit. The duplicate copies thereof shall be forwarded to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235.

Sec. 8 Reports of accidents and occurrences.

(a) *Reports to underwriter.* All accidents and occurrences of a P & I insurance nature, arising subsequent to the attachment of P & I insurance, as provided in section 5 hereof, shall be promptly reported by General Agents to the underwriter, together with all available information. The General Agents shall also obtain the names of the underwriter's outport representatives and supply such information to the Master of each vessel so that he may report to and/or obtain from these representatives such information and assistance as may be required under the circumstances.

(b) *Reports to owner.* All accidents and occurrences of a P & I insurance nature, arising prior to the attachment and subsequent to the termination of this insurance, as provided in section 5 hereof, shall be reported to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235.

Sec. 9 Settlement of claims.

(a) *On risks insured under commercial marine protection and indemnity policies.* General Agents of vessels described are hereby authorized to settle without prior approval, all claims of a P & I insurance nature where the settlement amounts do not exceed the applicable deductions set forth in the P & I policy. When the proposed settlement amounts of such claims exceed the applicable deductions, General Agents shall obtain the underwriter's approval of the proposed settlements and, immediately after payment in full, or of any portion thereof over the applicable deductions, make formal claim for reimbursement from the underwriter. All claims which do not exceed the deduction in the policy are chargeable to vessel expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim, the General Agent shall advise the claimant that such settlement is not to be construed as an admission of liability by or in behalf of the owner, or its General Agents and Berth Agents or their Subagents, but that the settlement is a compromise of a disputed claim. General Agents shall be expected to apply sound judgment and follow standard practices of vessel operators in the settlement or other disposition of P & I claims and shall avail themselves of the advice and assistance of the underwriter, and may also consult with the appropriate District Counsel of the Maritime Administration, and the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235. Berth Agents shall furnish reports and render all necessary assistance to the General Agents in handling P & I insurance claims. A claim shall be settled only when the amount of the settlement is reasonable under the circumstances, is

adequately supported, and is in the best interests of the United States.

(b) *On risks assumed by the owner.* General Agents are hereby authorized to settle claims of a P & I insurance nature, arising under conditions where the risk is assumed by the Maritime Administration, as set forth in section 5 hereof, without prior approval, provided the proposed settlement amount of each claim does not exceed $1,000. If the proposed settlement amount of any such claim exceeds $1,000, the General Agent shall, prior to payment, obtain the approval of the proposed settlement from the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235. The amounts and costs of these settlements are chargeable to vessel operating expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim hereunder, General Agents shall be governed by the procedure and instructions set forth in paragraph (a) of this section insofar as applicable.

(c) *Claims declined by underwriters.* Any claim of a P & I insurance nature, which has been declined by this underwriter, or by any other underwriters under prior insuring agreements, shall be forwarded to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, for review and further instruction.

Sec. 10 Litigation and employment of counsel.

(a) As to any suit arising out of the activities of a General Agent in the course of his official duties, wherein the General Agent is named a party or one of the parties defendant, and whether or not the risk is covered by P & I insurance, such General Agent shall immediately, by air mail, forward copies of the pleadings and all other related legal documents to the General Counsel, Maritime Administration, Department of Commerce, Washington, D.C. 20235 and to the Attorney General, Admiralty and Shipping Section, Department of Justice, Washington, D.C. 20530. No General Agent, Berth Agent, or Subagent, shall incur any legal expenses in connection with any claim covered by P & I insurance unless approved in advance by the underwriter, or in connection with any other claim unless approved in advance by the General Counsel, Maritime Administration, except in an emergency where time will not permit such approval to be obtained.

(b) In addition to the foregoing, in the case of any attachment or seizure of a vessel, whether or not the risk is covered by P & I insurance, the General Agent shall immediately, by telegram, radio, or cable, notify the nearest Maritime Administration representative or the General Counsel, Maritime Administration, Washington, D.C. 20235.

Sec. 11 Report of claims.

(a) All General Agents shall submit to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, quarterly reports of all claims, listed separately by vessel, as per the attached form.

(b) The first of such reports shall cover the period from April 1, 1969 through June 30, 1969, and shall be submitted within thirty (30) days after said period. Subsequent reports shall be submitted within thirty (30) days after the conclusion of each quarterly period thereafter. A claim previously reported as closed need not be reported on subsequent statements unless it is reopened.

Sec. 12 Application and interpretation of this order.

General Agents shall communicate directly with the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, regarding all questions of application, interpretation, or intent of this order.

Since the foregoing, without material change, was sent direct to interested persons it is found, for good cause shown, to be impracticable and unnecessary to delay the effective date; therefore, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 553), this 11th Revision shall be effective as aforesaid.

By order of the Acting Director, National Shipping Authority, Maritime Administration.

Dated: March 28, 1969.

JAMES S. DAWSON, Jr.,
Secretary.

Vessel	Name of injured or claimant	Nature and date of injury, loss, or damage	Amount(s) paid if any	Date and amount of billing to underwriter	Date and amount of reimbursement received from underwriter	Estimated future cost	Status and/or remarks
		Insured claims paid or pending during reporting period					
		Assumed risk claims paid or pending during reporting period					

[F.R. Doc. 69-3975; Filed, Apr. 4, 1969; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 542—INTERNATIONAL AIR TRANSPORTATION

Miscellaneous Amendments

I. Section 542.1 is amended to show that Part 542 applies to both United States and foreign air carriers when carrying airmail from the United States to other countries; to show that airmail will be given preference of dispatch over all other mail; and to establish policy for dispatching military space available mail.

Accordingly, in § 542.1 *Authority*, make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Applicability.* These rules and regulations apply to United States air carriers and foreign air carriers engaging in overseas or international air transportation of mail on FAM numbered routes assigned by the Post Office Department to the extent noted herein, and they supplement the provisions of the convention of the Universal Postal Union.

NOTE: The corresponding Postal Manual section is 542.11.

2. In paragraph (b) subparagraphs (1) and (6) are amended to read as follows:

(b) *Definitions (as used in Part 542)*—(1) *Air Carrier (also called American-flag carrier).* Any citizen or company of the United States authorized by the Civil Aeronautics Board to engage in overseas or international air transportation.

* * * * *

(6) *Mail.* United States origin and international transit mail.

NOTE: The corresponding Postal Manual section is 542.12.

3. Amend paragraph (c) to read as follows:

(c) *Authority to engage in air transportation of mail*—(1) *American-flag air carriers.* Air carriers shall not engage in air transportation of mail unless a certificate has been issued by the Civil Aeronautics Board authorizing them to do so. Each such certificate states the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation.

(2) *Foreign-flag air carriers.* Foreign air carriers shall not engage in air transportation of mail from U.S. soil without a permit issued by the Civil Aeronautics Board authorizing such transportation:

NOTE: The corresponding Postal Manual section is 542.13.

4. In paragraph (d) make the following changes:

a. Amend subdivision (ix) of subparagraph (1) to read as follows:

(ix) Airmail (civil and military) will be given preference of dispatch over all other categories of mail. If the airmail load must be reduced, letter mail and

the military air registers will be the last to be removed or refused.

NOTE: The corresponding Postal Manual section is 542.1411.

b. In subparagraph (2) amend subdivisions (i) through (v) by deleting the words "Military ordinary mail" wherever they appear therein, and insert in lieu thereof "MOM".

NOTE: The corresponding Postal Manual section is 542.142.

c. Add new subparagraph (3) to read as follows:

(3) *Policy for dispatch of military space available mail (SAM/PAL).* (i) Military SAM/PAL mail will be transported via U.S. carriers only, unless special arrangements have been made otherwise, on a space available basis after all other revenue traffic has been accommodated.

(ii) SAM/PAL to competitive points will be tendered on an equitable basis insofar as practicable with regard to available space.

NOTE: The corresponding Postal Manual section is 542.143.

5. In paragraph (e), second sentence, delete the words "and International Services".

NOTE: The corresponding Postal Manual section is 542.15.

II. Section 542.2 *Carrier operations,* is amended as follows for purposes of clarification, with no substantive changes involved.

a. In paragraph (b) delete the words "and International Services" from the bureau title in the second sentence.

b. In paragraph (f) insert "Bureau of Transportation" before "Post Office Department" in the second sentence.

c. In paragraph (i) amend the first sentence to read as follows:

(i) *Accidents.* Carriers will immediately inform the Director, International Service Division, Bureau of Transportation, Post Office Department, Washington, D.C. 20260, of any accident resulting in possible damage to or loss of United States mail. * * *

NOTE: The corresponding Postal Manual sections are 542.22, 542.26, and 542.29.

III. Section 542.3, *Transportation of mail,* is amended as stated below.

a. Subparagraphs (2), (4), and (5), of paragraph (b) are revised and updated to furnish a new priority schedule for dispatching airmail.

(b) *Priority of mail and estimates.* * * *

(2) *Priority.* Air carriers are required to give the following priority to airmail:

(i) The normal mail load for each trip must be given priority over all other traffic on each trip designated for the transportation of mail.

(ii) The normal mail load will be determined on the basis of the mail tendered to that trip on the same day of the week for the 5 previous weeks. When computing the average, exclude mail tendered under abnormal conditions.

(iii) Mail in excess of normal mail load must be given priority over all other traffic except confirmed revenue passengers and their baggage. Mail aboard a plane must not be removed to accommodate local boarding passengers or extra fuel.

(iv) On cargo aircraft, all airmail offered must be given priority over any other traffic.

(v) In the event of refusal or removal priority as outlined in subparagraph (4) of this paragraph will prevail.

* * * * *

(4) *Removal or refusal.* (i) When it is necessary to reduce the load of an aircraft due to weather or other emergency reasons, the following order or removal shall prevail:

(a) Military space available mail (SAM/PAL).

(b) Air express and airfreight and also diplomatic pouches moved as air cargo and "not" as first-class mail.

(c) MOM.

(d) Airmail (civil LC/AO/CP and military).

(e) LC mail after removal of all other traffic except revenue passengers with space confirmed prior to knowledge that the load must be reduced.

(ii) Air carriers must comply with the provisions of subdivisions (i), (ii), (iii), and (iv) of subparagraph (2) of this paragraph and any failure to do so will constitute a refusal.

(iii) Postal personnel will report, in detail, on Form 2759 all instances of refusals and removals. Form 2760 will be obtained as soon as possible from the carriers in all instances of refusal or removal.

(iv) Refusal or mail by a carrier may result in diversion of the mail to another carrier and/or the imposition of a fine.

(5) *Nonpriority mail.* Normally MOM moves on the same priority as air cargo, that is, on a first-in, first-out basis. Carriers accepting MOM do so with the understanding that transportation is assured to the destination indicated on the AV-7.

NOTE: The corresponding Postal Manual sections are 542.322, 542.324, and 542.325.

b. Paragraphs (c)(1), (d)(1), (e), and (g) are amended to provide additional information on the preparation and processing of Form 2942, AV-7 Delivery List. These amendments are as follows:

1. Amend paragraph (c)(1) to read as follows:

(1) *Documentation.* (i) The postal unit dispatching civil mail must prepare the AV-7s listing the origin, destination, dispatch number and weight in the proper columns. One set AV-7s must be prepared to cover the mail for each stop point on the flight. The heading of each AV-7 will indicate the stop point, using the appropriate three letter code, on the first line, and the second line will show the carrier and flight number as well as the additional routing information when transfers are involved.

(ii) Military airmail and MOM must be documented on separate AV-7s designed for each category. Military space available mail (SAM/PAL) will be documented on MOM AV-7s endorsed "SAM" centered on the two top lines of the form. The notation "Military Ordinary Mail" just above the body of the form, will be deleted when the MOM AV-7 is used to document "SAM" mail. Military nonregistered mail will be bulk billed on appropriate AV-7s, whereas military registered mail will be documented individually on appropriate separate AV-7s.

(iii) FCM mail destined for Mexico will be documented on Civil AV-7s endorsed "FCM" centered on the two top lines of the form.

(iv) A set of AV-7s normally consists of seven copies and five copies are tendered to the carrier with the relative mail. One copy is maintained in the local files and the other copy forwarded to the appropriate processing unit. (See Transportation Handbook, Series T-1).

(v) Special instructions are issued governing those situations where additional copies of AV-7s are required in excess of the normal set of seven.

2. In paragraph (d)(1), first sentence, change "imminent departure" to "scheduled departure".

3. Paragraph (e) is amended to read as follows:

(e) *Transfer between flights.* Each carrier must transfer mail between its own flights and flights of other carriers whenever the transfer is shown on the AV-7s. It must transfer mail at points in the United States, its territories or possessions with domestic air carriers as directed by the Department.

4. Paragraph (g)(1) is amended to read as follows:

(1) *Prompt delivery.* Upon arrival of a flight, the carrier must unload the mail and make delivery as soon as possible to the authorized postal representative at such point as may be designated. The postal representatives must promptly verify that all mail manifested on the AV-7s is received.

5. In paragraph (g)(3) the last sentence of subdivision (ii) is amended to read as follows, to show that civil airmail must be listed descriptively: "However, registered military mail and civil airmail must be descriptively listed."

6. In paragraph (g)(7), subdivision (ii) change "July 4, 1962, FRA" to "July 4, 1968, FRA"; and change "July 4, 1962, BDL" to "July 4, 1968, BDL".

NOTE: The corresponding Postal Manual sections are 542.33, 542.34, 542.35, and 542.37.

c. New subparagraph (8) is added to paragraph (g) to state that Canadian air carriers must obtain a receipt for Canadian mail delivered to airport mail facilities.

(8) *Mail received from Canada on Canadian air carriers.* Canadian air carriers must obtain a receipt on Form 2753-A, Mail Delivery Record, for Canadian mail delivered to airport mail facilities. Canadian air carrier employees will complete Form 2753-A in accordance with § 533.6(b)(2) of this chapter.

NOTE: The corresponding Postal Manual section is 542.378.

d. Paragraph (i) is deleted.

IV. Section 542.4 is amended as follows to state that fines on carriers will be based on results of a monthly, rather than quarterly review, when no improvement is apparent. Accordingly, in § 542.4 *Mail transportation irregularities*, make the following changes in paragraph (e):

a. In the second sentence delete "and International Services".

b. Amend the fifth sentence to read as follows: "Fines will be based on results of monthly reviews when no improvement is apparent".

NOTE: The corresponding Postal Manual section is 542.45.

V. Section 542.5 *Form 2759, Report of Irregular Handling of Airmail*, is hereby revoked; and §§ 542.6, 542.7, and 542.8 are redesignated as §§ 542.5, 542.6, and 542.7, respectively.

(5 U.S.C. 301, 39 U.S.C. 501, 6301, 6304)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-4016; Filed, Apr. 4, 1969; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

PUBLICIZING SPECIAL HIRING PROGRAMS

Government agencies and federally supported private organizations having an interest in reducing national unemployment through special training and hiring programs have requested the General Services Administration to assist them by inviting the attention of prospective Government contractors to these programs in invitations for bids and requests for proposals. Accordingly, this amendment of the General Services Administration Procurement Regulations establishes procedures for participation by GSA in publicizing these special hiring programs primarily through the use of a new GSA Form 1714B, Announcements Publicizing Special Hiring Programs.

PART 5-1—GENERAL

The table of contents for Part 5-1 is amended by the addition of the following new entries:

Subpart 5-1.55—Publicizing Special Hiring Programs

Sec.
5-1.5500 Scope of subpart.
5-1.5501 Descriptions of programs.
5-1.5502 Procedure.

AUTHORITY: The provisions of this Subpart 5-1.55 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Part 5-1 is amended by adding Subpart 5-1.55, as follows:

Subpart 5-1.55—Publicizing Special Hiring Programs

§ 5-1.5500 Scope of subpart.

This subpart establishes a procedure to be followed in invitations for bids and requests for proposals for publicizing special hiring programs sponsored by the Government and private industry which are available to Government contractors.

§ 5-1.5501 Descriptions of programs.

The special hiring programs about which this subpart is concerned are:

(a) *War on Poverty Programs.* These programs comprise the Job Corps Placement Program of the Office of Economic Opportunity and the Neighborhood Youth Corps Program of the Department of Labor. Their objective is to help young people and adults to become productive, self-supporting citizens through training, education, and job placement.

(b) *President's Youth Opportunity Campaign.* This program is sponsored by the President's Council on Youth Opportunity, Department of Commerce. Its objective is to secure jobs for youth during summer months.

(c) *"JOBS" Program.* This program, also known as the President's Job Opportunities in the Business Sector Program, is a partnership between Government and private industry. Its objective is to train and hire the hard-core unemployed and find productive summer jobs for needy youth. Private industry is represented by the National Alliance of Businessmen, established as a working group of the Nation's leading business executives to operate the program.

§ 5-1.5502 Procedure.

The contracting officer shall include one copy of GSA Form 1714B, Announcements Publicizing Special Hiring Programs, as a flyer with all invitation for bid or request for proposal mailings issued for the procurement of personal property and nonpersonal services (including construction). Since this form publicizes the programs described in § 5-1.5501 and does not constitute a contract requirement, it should not be physically attached to the invitation.

PART 5-2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 5-2 is amended by the addition of the following new entry:

Sec.
5-2.201-57 Publicizing special hiring programs.

Subpart 5-2.2—Solicitation of Bids

Section 5-2.201-57 is added as follows:

§ 5-2.201-57 Publicizing special hiring programs.

All invitations for bids issued for the procurement of personal property and nonpersonal services (including construction) shall include GSA Form 1714B, Announcements Publicizing Special Hiring Programs, as set forth in Subpart 5-1.55.

PART 5-3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 5-3 is amended by the addition of the following new entry:

Sec.
5-3.102-51 Publicizing special hiring programs.

Subpart 5-3.1—Use of Negotiation

Section 5-3.102-51 is added as follows:

§ 5-3.102-51 Publicizing special hiring programs.

All requests for proposals issued for the procurement of personal property and nonpersonal services (including construction) shall include GSA Form 1714B, Announcements Publicizing Special Hiring Programs, as set forth in Subpart 5-1.55.

NOTE: The form referenced in § 5-1.5502 is filed as part of the original document.

Effective date. These regulations are effective 60 days after publication in the FEDERAL REGISTER.

Dated: March 28, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-4043; Filed, Apr. 4, 1969; 8:50 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-19—MANAGEMENT OF BUILDINGS AND GROUNDS

Firesafety

The regulations in Subpart 101-19.1 concerning firesafety involving occupants of buildings operated by the General Services Administration are amended to set forth more complete guidelines and rules.

The table of contents for Part 101-19 is amended as follows:

Sec.
101-19.109 Firesafety.
101-19.109-1 Definitions.
101-19.109-2 Exits.
101-19.109-3 Housekeeping and orderliness.
101-19.109-4 Occupancy hazards.
101-19.109-5 Draperies and curtains.
101-19.109-6 Decorations and displays.
101-19.109-7 Movable partitions.
101-19.109-8 Regulation of smoking.

Subpart 101-19.1—Operation and Maintenance

Sections 101-19.109 through 101-19.109-5 are revised as follows:

§ 101-19.109 Firesafety.

§ 101–19.109–1 Definitions.

(a) *Flame retardant.* For the purposes of this section the term "flame-retardant" shall mean fabrics or films (e.g., thin plastic sheets, cellophane, etc.) that are difficult to ignite, do not spread flame beyond the area exposed, and do not drop flaming parts. Flame-retardant materials shall meet the performance described for the small scale test in National Fire Protection Association Standard No. 701, Standard Method of Fire Test for Flame-Resistant Textile Fabrics or Films. Fabrics or films tested by the National Bureau of Standards or an independent testing laboratory meeting the above requirements using the small scale test as described in NFPA Standard No. 701, or using the test method described in Method No. 5903, Federal Specification CCC–T–191b, Textile Test Methods, are flame-retardant by this definition. In addition, materials labeled as flame-retardant fabrics by Underwriters' Laboratories, Inc., conform with this definition. In any instance where flame-retardance has been provided by chemical treatment, retesting is required after each laundering or cleaning.

(b) *Noncombustible.* For the purposes of this section the term "noncombustible" includes all of the following:

(1) Those materials universally accepted as noncombustible such as iron, steel, aluminum, brick, concrete, glass, plaster, and asbestos. Such materials are accepted as noncombustible without proof.

(2) Rigid materials all surfaces of which have fire hazard ratings not exceeding 25 for flame spread or 100 for smoke development when tested in accordance with American Society for Testing and Materials, Test E 84, Surface Burning Characteristics of Building Materials. For materials to be in the building permanently or for extended periods of time, the fire hazard rating requirements also apply to any core materials. Materials bearing the label of Underwriters' Laboratories, Inc., as having flame spread ratings of not over 25 and smoke development ratings of not over 100 meet these requirements.

(3) Fabrics and films which do not burn, propagate flame, or drop flaming particles when tested in accordance with paragraph (a) of this section.

Noncombustible fabrics may be determined by the use of the test method described in paragraph (a) of this section, or if labeled as noncombustible fabrics by Underwriters' Laboratories, Inc.

§ 101–19.109–2 Exits.

All exits, accesses to exits, and accesses to emergency equipment shall be accessible and clear at all times the building is open for business.

§ 101–19.109–3 Housekeeping and orderliness.

Each agency shall maintain its assigned space and conduct its operations in such a manner as to maintain a neat and orderly facility, avoiding increased potential of fire initiation, fire propagation, or fire severity.

§ 101–19.109–4 Occupancy hazards.

Hazardous, explosive, flammable, or combustible materials which exceed that normal to the type of operation indicated in the agency's initial space assignment shall not be brought into the building or shall not be utilized unless authorized by GSA and any additional protective procedures, arrangements, or devices determined by GSA to be needed have been provided.

§ 101–19.109–5 Draperies and curtains.

All draperies, curtains, and similar hanging materials shall be of a noncombustible or flame-retardant fabric.

§ 101–19.109–6 Decorations and displays.

(a) Decorations and displays within assigned space shall conform to the general use of space, as appropriate. Where large groups of persons are expected to view displays, adequate provision shall be made for emergency egress.

(b) Except as noted in subparagraphs (1) through (3) of this paragraph, all decorations and displays in corridors, lobbies, or other public spaces and in cafeterias, auditoriums, or other places of assembly shall be constructed of noncombustible or flame-retardant materials and kept completely free and clear of any exit or access to an exit.

(1) Limited amounts of combustible or flammable materials shall be permitted for small displays or for elements in larger size displays where, in the judgment of GSA, such materials do not present a hazard to life or property.

(2) Traditional Christmas decorations on office doors may contain limited amounts of combustible or flammable materials.

(3) Natural Christmas trees may be brought into buildings for not more than 2 weeks provided they are not over 4 feet in height, stand in water, and are clear of any exitway or exit lobby. Noncombustible artificial Christmas trees are permitted in any size provided they do not interfere with any exit or access to an exit.

(c) Decorations and displays shall not involve lighted candles or other open flame or other high heat producing devices unless such use is determined safe by GSA.

§ 101–19.109–7 Movable partitions.

All movable partitions including partial-height (bank-type) partitions shall be of noncombustible construction.

§ 101–19.109–8 Regulation of smoking.

Each agency shall post and enforce "no smoking" rules in any location involving flammable liquids, flammable gases, or flammable vapors or in other locations where there is a collection of readily ignitible combustible materials. Adequate noncombustible ash trays or receptacles shall be provided in locations where smoking is permitted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: April 1, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–3991; Filed, Apr. 4, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 362]

LABELING CLAIMS INVOLVING USE OF TERM "GERM PROOF" AND RELATED TERMS IN LABELING OF ECONOMIC POISONS

Proposed Interpretation Under Federal Insecticide, Fungicide, and Rodenticide Act

The term "proof" is commonly defined as "providing a resistant quality;" however, experience has shown that claims in labeling with the word "germ" in combination with the word "proof" as it relates to environmental surfaces, materials and articles clearly implies (1) value against germs of public health significance in environmental sanitation programs, and (2) a level of protection against germs equivalent to that offered by germicides and disinfectants.

Therefore, notice is hereby given that pursuant to the authority of § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, as amended; 7 U.S.C. 135–135k) consideration is being given to the issuance of Interpretation 27 as a new § 362.15 of Title 7, Code of Federal Regulations, to read as follows:

§ 362.15 Interpretation with respect to the term "germ proof" and related terms used in labeling of economic poisons.

For the purposes of the Act, the following terms shall have the meanings stated below:

(a) The terms "germ proof" and "germ proofed", referring to any surfaces, materials or articles, indicate the existence of actively germicidal or self disinfecting properties.

(b) The terms "germ proofs" and "germ proofer" means that, when applied as directed, the economic poison will provide a germicidal or disinfecting result, and also provide treated surfaces, articles or materials with germ proof or germ proofed properties.

(c) The term "germ proofing" means a process that will, when followed, disinfect and provide germ proof and germ proofed surfaces, materials and articles.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same in duplicate with the Director, Pesticides Regulation Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 45 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 1st day of April 1969.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

[F.R. Doc. 69-4047; Filed, Apr. 4, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES; CYCLAMIC ACID AND ITS SALTS

Safe Usage

Calcium cyclamate (calcium cyclohexyl sulfamate), magnesium cyclamate (magnesium cyclohexyl sulfamate), potassium cyclamate (potassium cyclohexyl sulfamate), and sodium cyclamate (sodium cyclohexyl sulfamate) have been used in small amounts as nonnutritive sweeteners in a large number of foods. Current regulations, however, do not place limits on many of these uses, and current labeling practices are not regarded as sufficient to provide consumers with enough information to enable them to safely use the cyclamate-containing products.

The Commissioner of Food and Drugs, considering the changing pattern of consumption of these substances within recent years, and other relevant information, requested the National Academy of Sciences, through a committee of the National Research Council, to review the safety of nonnutritive sweeteners, including the cyclamates, in the light of uses and use patterns and of current toxicological knowledge. This ad hoc Committee on Nonnutritive Sweeteners has provided the Commissioner an interim report in which a number of recommendations are made for additional studies needed to correct certain deficiencies in the knowledge of use patterns and of toxicological characteristics of these sweeteners. The committee concluded that totally unrestricted use of the cyclamates is not warranted at this time and that daily intakes of 70 milligrams or less per day per kilogram of body weight are safe. This limit is in relatively close agreement with the limit of 50 milligrams per kilogram per day which has been suggested by the Food and Agriculture Organization and World Health Organization of the United Nations.

The Commissioner concludes that the recommendations of this interim report should be implemented through the issuance of a formal regulation under section 409 of the Federal Food, Drug, and Cosmetic Act.

Therefore, pursuant to the provisions of the act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to issue a food additive regulation (21 CFR Part 121) for cyclamic acid and its salts that will provide for:

1. A label declaration of cyclamate content of the food in terms of the number of milligrams of cyclamate (as calcium cyclamate) supplied by the amount of the product normally consumed as a serving. In the case of beverages, however, the declaration shall be in terms of the entire contents of the container.

2. A label statement that adults should not ingest more cyclamate than 3,500 milligrams per day and children should not ingest more than 1,200 milligrams per day.

3. A limit of cyclohexylamine not to exceed 25 parts per million in the cyclamate.

4. The following analytical method to be used to determine the cyclohexylamine content of the additive:

CYCLOHEXYLAMINE IN CYCLAMATES

A. *Apparatus.* 1. Evaporative concentrator—Kuderna-Danish, 250-milliliter capacity with 24/40 column connection and 19/22 lower joint.

2. Concentrator tube—size 425, 19/22 joint, 4-milliliter capacity, subdivision 0 to 2 x 0.1, with pennyhead stopper 19/22.

3. Distilling column—Snyder, size 121, column length 150 millimeters with 24/40 joint.

4. Funnel—Buchner, 60-milliliter capacity, coarse porosity disc.

5. Separatory funnels—250-milliliter capacity with Teflon stopcocks.

6. Microliter syringes—10- and 100-microliter capacity.

7. Gas chromatograph—equipped with dual flame ionization detectors and effluent splitters (5:1 ratio).

Column and conditions: 12' x ⅛" stainless steel column packed with 10 percent Carbowax 20 M (solid polyethylene glycols) plus 2.5 percent NaOH on Anakrom SD 90/100 mesh support. Condition columns for 16 hours at 200° C. while maintaining a carrier gas (nitrogen) flow of 40 milliliters per minute. Maintain the following parameters throughout the analyses: Column temperature 100° C.; injector temperature 180° C.; detector temperature 175° C.; carrier gas flow rate, 72 milliliters per minute; hydrogen flow rate, 35 milliliters per minute; air flow rate, 550 milliliters per minute; and attenuation range X5 to X50 at 1×10^{-11} amperes into 1 millivolt full scale recorder.

For trapping and confirmation, insert effluent splitters and adjust the parameters to coincide with the following: Carrier gas flow rate, 75 milliliters per minute through column and 62 milliliters per minute through splitter; and attenuation range X640 at

2×10^{-14} amperes into 1 millivolt full scale recorder.

8. Infrared spectrophotometer and accessories—double beam type equipped with 6X beam condenser and micro KBr attachment.

9. Septa-Silicone rubber—triple laminated, 0.75" diameter.

B. *Reagents.* 1. Methylene chloride—redistill and check the purity prior to use as described below.

Purify by distilling in all glass apparatus with an air-cooled reflux condenser (approximately 30 centimeters long) between the reservoir and the water-cooled condenser. Provide the collection flask with a drying tube to protect the distilled solvent from moisture. Distill the solvent in 2-liter lots, discard the first 200 milliliters of distillate and collect the next 1,500 milliliters for use.

The methylene chloride is purified to meet the specifications of the following test: Place 80 milliliters (volume used in actual extraction procedure) of the distilled methylene chloride into a 250-milliliter Kuderna-Danish concentrator fitted with a 4-milliliter concentrator tube and concentrate to a volume of 0.5 milliliter as specified in the method. Inject 1 microliter into the gas chromatograph (apparatus 7). The solvent must be free of interfering peaks.

2. Sodium sulfate—analytical reagent, anhydrous, granular.

3. Carbon disulfide—spectroquality grade.

4. Sodium hydroxide—10 N (approx.), analyzed reagent grade; add 60 milliliters of distilled water to 40 grams of sodium hydroxide.

5. Cyclohexylamine—99.6 percent, 133°–135° C. Prepare standard solutions as follows: Weigh 62.5 milligrams of cyclohexylamine into a 50-milliliter volumetric flask and dilute to volume with redistilled methylene chloride (concentration = 1.25 milligrams per milliliter).

6. Nitrogen—ultrahigh purity.

7. Indicator papers—pH ranges 9–14 and 0–11.

8. Disodium ethylenediaminetetraacetate (EDTA, disodium salt)—ACS reagent grade.

9. Boiling aid—silicon carbide granules (Carborundum Grit No. 20 or equivalent).

C. *Determination of cyclohexylamine*—1. *Sodium cyclamate.* Weigh 25 grams of a well-mixed sample in a 100-milliliter beaker. Using powder funnel, transfer salt to a 250-milliliter separatory funnel. Wash beaker two times with 25 milliliters of hot distilled water (ca 90° C.) and transfer each portion to the funnel. Add 50 milliliters more of hot water and shake funnel to dissolve cyclamate completely. Add enough 10*N* NaOH (approximately 5 milliliters) to obtain pH of 14 as determined with pH paper. Cool funnel under tap to about 30° C.

Add 20 milliliters of methylene chloride to the separatory funnel and shake for 2 minutes. Let layers separate. Filter methylene chloride layer through 30 grams of sodium sulfate (prewetted with 25 milliliters of methylene chloride) into a Kuderna-Danish evaporator with 4-milliliter concentrator attached. Immediately pass 20 milliliters of methylene chloride wash through the sodium sulfate. Repeat extraction two additional times, each with 10 milliliters of methylene chloride. As before, follow passage of each extract through sodium sulfate immediately with 10-milliliter portions of methylene chloride. Place boiling aids in concentrator tube and insert distilling column into fitting of Kuderna-Danish evaporative concentrator and carefully concentrate solvent to approximately 4 milliliters in steam bath. Remove apparatus from bath; let cool and drain any remaining solvent in distilling column and evaporative concentrator into the concentrator tube. Concentrate solvent in concentrator tube to 1.0 milliliter under a stream of nitrogen and reserve for injection into the gas chromatograph and for confirmation.

2. *Calcium cyclamate.* Weigh 25 grams of a well-mixed sample in a 100-milliliter beaker. Using powder funnel, transfer salt to a 250-milliliter separatory funnel. Wash beaker three times with 25-milliliter portions of hot distilled water (approximately 90° C.) and transfer each portion to funnel. Shake funnel to dissolve cyclamate completely. Dissolve 25 grams of EDTA (disodium salt) in 65 milliliters of water and 10 milliliters of 10*N* NaOH on steam bath. Pour this solution into separatory funnel and mix. Add sufficient 10*N* NaOH (approximately 12 milliliters) to obtain pH of 14 as determined with pH paper. Cool funnel under tap water to approximately 30°C. Proceed with methylene chloride extraction and concentrate combined extracts as directed above for sodium cyclamate.

D. *Gas chromatography and confirmation by infrared spectophotometry.* For quantitation of cyclohexylamine in the cyclamate, inject 1 microliter of the standard solution (1.25 milligrams per milliliter of cyclohexylamine in methylene chloride) directly into the gas chromatograph, set at an attenuation resulting in 50 percent scale deflection. At this predetermined sensitivity, inject 1 microliter of the sample solution concentrated to 1 milliliter in methylene chloride as described above. Calculate the amount of cyclohexylamine present by either the peak height or peak area technique. If the calculated amount does not exceed that of the standard, the cyclamate meets the prescribed limit of not more than 25 parts per million of cyclohexylamine in the cyclamate.

To confirm identity of the compound, install effluent splitters (5:1, vent:detector) and special triple-laminated septa and assemble collection trap. (NOTE: All glassware and associated equipment must be scrupulously clean.) For samples containing 50 parts per million of cyclohexylamine or greater, inject 40 microliters of the methylene chloride solution into the column. Collect peak effluent corresponding to cyclohexylamine in 100 microliters of carbon disulfide (previously cooled in dry ice). Rinse connection tube two times with 10 microliters of carbon disulfide into collection trap; stopper and place in desiccator for 10 minutes. Remove collection trap, add 3 milligrams of anhydrous potassium bromide and remove excess carbon disulfide under vacuum at 25 inches.

Prepare micro potassium bromide disc as described in JAOAC 48, 380–384 (1965). (NOTE: It is essential that the walls of the collection tube (trap) be rubbed with an additional 2 milligrams of potassium bromide to insure complete removal of the reaction product. In the preparation of the disc, the pressure of 10,000 pounds per square inch should be maintained for only one-half minute to avoid possible decomposition.) Record infrared spectrum and confirm the identity of the cyclohexylamine by comparison with reference spectra prepared under identical conditions.

The Commissioner further proposes to find that § 125.7 of the regulations for food for special dietary uses (21 CFR 125.7) is currently in effect pending the issuance of a final order following the conclusion of the public hearing (notice of which was published in the FEDERAL REGISTER of April 2, 1968; 33 F.R. 5268) on the orders amending the regulations for foods for special dietary uses published June 18, and December 14, 1966 (31 F.R. 8521, 15730). The Food and Drug Administration will refrain from recommending regulatory proceedings under the act on the ground that a food for special dietary use containing cyclamate fails to conform to the requirements of § 125.7 if such food bears the statements required under 1 and 2 above and a statement, in juxtaposition with the common or usual name of the artificial sweetener present, that such sweetener is nonnutritive.

Any interested person within 30 days from the date of publication of this notice in the FEDERAL REGISTER may 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) on this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Proposals are invited for an effective date of the labeling provisions reasonably required to accommodate the necessary label changes.

Dated: April 1, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-3812; Filed, Apr. 4, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 135]

[Docket No. 9323; Notice 68-37A]

AIRPLANES CAPABLE OF CARRYING MORE THAN TEN OCCUPANTS

Additional Airworthiness Standards; Extension of Comment Period

The Federal Aviation Administration proposed in Notice 68-37, published in the FEDERAL REGISTER on January 7, 1969 (34 F.R. 210), to amend Part 135 of the Federal Aviation Regulations to require that reciprocating or turbopropeller engine powered airplanes certificated to carry more than 10 occupants to be used in operations under Part 135 on and after June 1, 1972, meet certain additional airworthiness standards, and to require that certain airplanes certificated to carry more than 10 occupants and operated under Part 135 be operated in compliance with specified performance operating limitations.

The Aerospace Industries Association of America, Inc., and the National Air Transportation Conference have requested a 30-day extension of time for submission of comments. The extension is requested to enable the Aerospace Industries Association of America, Inc., to provide technical data showing the effect of the proposed regulation on specific airplane designs. The National Air Transportation Conference requests the extension to enable its new organization of commuter airlines and air taxis to evaluate the comments of its individual members.

I find that petitioners have shown a substantive interest in the proposed rule, that good cause exists for the extension and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 68-37 will be received is extended to May 3, 1969.

Issued in Washington, D.C., on April 1, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-4008; Filed, Apr. 4, 1969; 8:47 a.m.]

[14 CFR Parts 29, 91, 121, 127]

[Docket No. 9511; Notice 69-15]

COCKPIT VOICE RECORDERS IN HELICOPTERS

Installation

The Federal Aviation Administration is considering amending Parts 91, 121 and 127 of the Federal Aviation Regulations to require the installation and use of approved cockpit voice recorders in large transport category helicopters that are operated under Part 121 or 127 and amending Part 29 to prescribe standards governing cockpit voice recorder installations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C 20590. All communications received on or before June 2, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The requirement for cockpit voice recorders in large airplanes used by air carriers and commercial operators was adopted on August 11, 1964, to enable accident investigators to obtain additional information to establish the cause of an emergency and the procedures used by the crew to cope with it. A number of airplane accidents characterized by sudden extreme emergencies, in which the crew could not communicate with ground facilities, gave rise to a need for a record of the flight crew's observation and analysis of conditions aboard the airplane and the procedures used by them in the emergency. The cockpit voice recorder has been found to be a most valuable tool in the investigation of airplane accidents. In many accidents, the determination of the cause would have been extremely difficult, expensive, and time consuming, if not impossible, without the voice recorder.

Several helicopter accidents have occurred in which sudden extreme emergencies have prevented the flight crew from transmitting a description of the circumstances to ground facilities, and information they may have been able to give concerning the cause of the emergency has been lost. Since July 1960, at least four helicopters used by scheduled air carriers have crashed. The investigation of the cause of each of these four accidents has been most difficult and the cause is undetermined in one of them. The FAA believes that the use of cockpit voice recorders on helicopters used by air carriers will significantly increase the probability that the cause of an accident can be quickly and economically isolated and corrected so that a similar accident can be prevented.

The regulations proposed in this notice are similar to those presently applying to the installation of cockpit voice recorders in large airplanes operated under Part 121, with minor differences from the airplane installation requirements necessitated by the design of helicopters.

Section 91.35 presently requires that, while conducting certain operations under Part 91 with airplanes, air carriers and commercial operators comply with the voice recorder and flight recorder requirements of the part under which their certificate was issued. Section 91.35 would be amended to apply to helicopters as well as airplanes.

The FAA proposes to make the proposed amendments effective no later than 6 months after their adoption, but an earlier effective date may be specified in the final rule if availability of equipment and installation schedules permit.

In consideration of the foregoing, it is proposed to amend Parts 29, 91, 121, and 127 of the Federal Aviation Regulations as follows:

1. By adding a new § 29.1441 to read as follows:

§ 29.1441 Cockpit voice recorders.

(a) Each cockpit voice recorder required by the operating rules of this chapter must be approved and must be installed so that it will record the following:

(1) Voice communications transmitted from or received in the rotorcraft by radio.

(2) Voice communications of flight crewmembers on the flight deck.

(3) Voice communications of flight crewmembers on the flight deck, using the rotorcraft's interphone system.

(4) Voice or audio signals indentifying navigation or approach aids introduced into a headset or speaker.

(5) Voice communications of flight crewmembers using the passenger loudspeaker system, if there is such a system and if the fourth channel is available in accordance with the requirements of paragraph (c)(4)(ii) of this section.

(b) The recording requirements of paragraph (a)(2) of this section must be met by installing a cockpit-mounted area microphone, located in the best position for recording voice communications originating at the first and second pilot stations and voice communications of other crewmembers on the flight deck when directed to those stations. The microphone must be so located and, if necessary, the preamplifiers and filters of the recorder must be so adjusted or supplemented, that the intelligibility of the recorded communications is as high as practicable when recorded under flight cockpit noise conditions and played back. Repeated aural or visual playback of the record may be used in evaluating intelligibility.

(c) Each cockpit voice recorder must be installed so that the part of the communication or audio signals specified in paragraph (a) of this section obtained from each of the following sources is recorded on a separate channel.

(1) For the first channel, from each microphone, headset, or speaker used at the first pilot station.

(2) For the second channel, from each microphone, headset, or speaker used at the second pilot station.

(3) For the third channel, from the cockpit-mounted area microphone.

(4) For the fourth channel, from—

(i) Each microphone, headset, or speaker used at the stations for the third and fourth crewmembers; or

(ii) If the stations specified in subdivision (i) of this subparagraph are not required or if the signal at such a station is picked up by another channel, each microphone on the flight deck that is used with the passenger loudspeaker system, if its signals are not picked up by another channel.

(iii) Each microphone on the flight deck that is used with the rotorcraft's loudspeaker system, if its signals are not picked up by another channel.

(d) Each cockpit voice recorder must be installed so that—

(1) It receives its electric power from the bus that provides the maximum reliability for operation of the cockpit voice recorder without jeopardizing service to essential or emergency loads;

(2) There is an automatic means to simultaneously stop the recorder and prevent each erasure feature from functioning, within 10 minutes after crash impact; and

(3) There is an aural or visual means for preflight checking of the recorder for proper operation.

(e) The record container must be located and mounted to minimize the probability of rupture of the container as a result of crash impact and consequent heat damage to the record from fire.

(f) If the cockpit voice recorder has a bulk erasure device, the installation must be designed to minimize the probability of inadvertent operation and actuation of the device during crash impact.

(g) Each recorder container must be either bright orange or bright yellow.

§ 91.35 [Amended]

2. Section 91.35 would be amended by striking out the words "airplane" and "airplanes" wherever they appear and

inserting the word "aircraft" in place thereof.

§ 121.13 [Amended]

3. Section 121.13(b) would be amended by inserting the new section number 127.127 between the section numbers 127.125 and 127.145.

4. A new § 127.127 would be added to read as follows:

§ 127.127 Cockpit voice recorders.

(a) No certificate holder may operate a large transport category helicopter after _____, 196__, unless an approved cockpit voice recorder is installed in that helicopter and is operated continuously from the start of the use of the checklist (before starting engines for the purpose of flight) to completion of the final checklist at the termination of the flight.

(b) Each cockpit voice recorder must be installed in accordance with the requirements of Part 29 of this chapter.

(c) In complying with this section, an approved cockpit voice recorder having an erasure feature may be used, so that at any time during the operation of the recorder, information recorded more than 30 minutes earlier may be erased or otherwise obliterated.

(d) In the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under Part 430 of this title, which results in the termination of the flight, the certificate holder shall keep the recorded information for at least 60 days or, if requested by the Administrator or the Board, for a longer period. Information obtained from the record is used to assist in determining the cause of accidents or occurrences in connection with investigations under Part 430 of this title. The Administrator does not use the record in any civil penalty or certificate action.

These amendments are proposed under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, and 1424), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 28, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-4005; Filed, Apr. 4, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-25]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a control zone for Arapahoe County Airport, Greenwood Village, Colo.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

On or about August 21, 1969, the FAA proposes to establish instrument approach and departure procedures at Arapahoe County Airport, Greenwood Village, Colo. Weather reporting, communications, and air traffic service will be available. The proposed control zone will be required to provide controlled airspace below 700 feet above the surface for aircraft executing prescribed instrument procedures. Instrument flight rule procedures at altitudes above 700 feet above the surface will be protected by the currently designated Denver, Colo., transition area.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 (34 F.R. 4557) the following control zone is added:

GREENWOOD VILLAGE, COLO.

Within a 5-mile radius of Arapahoe County Airport (latitude 39°34'28" N., longitude 104°51'02" W.), excluding that airspace within the Denver, Colo., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Los Angeles, Calif., on March 26, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-4006; Filed, Apr. 4, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-15]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area for Garfield County Airport, Colo.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A restricted instrument approach and departure procedure have been developed for Aspen Airways at Garfield County Airport utilizing the Aspen Airways privately owned radiobeacon. The proposed transition area will provide controlled airspace for aircraft executing the prescribed instrument procedures.

In consideration of the foregoing the FAA proposes the following airspace action:

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

RIFLE, COLO.

That airspace extending upward from 8,200 feet MSL within 2 miles south and 4 miles north of the 099° and 279° bearing from the Rifle radiobeacon (latitude 39°31'34" N., longitude 107°43'37" W.) extending from 4 miles west to 8 miles east of the radiobeacon; that airspace extending upward from 9,700 feet MSL within 6 miles south and 9 miles north of the 099° and 279° bearings from the Rifle radiobeacon extending from 8 miles west of the radiobeacon to longitude 107°-30'00" W., that airspace east of Rifle bounded by a line beginning at latitude 39°37'45" N., longitude 107°30'00" W., to latitude 39°37'-00" N., longitude 107°26'00" W., to latitude 39°30'00" N., longitude 107°21'00" W., to latitude 39°24'00" N., longitude 107°30'00" W., thence to point of beginning.

This amendment is proposed under the authority of section 307(a) of the Federal

Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on March 26, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-4007; Filed, Apr. 4, 1969; 8:47 a.m.]

[14 CFR Parts 121, 127, 135]

[Docket No. 8041; Notice 69-4A]

ADDITIONAL OPERATING RULES APPLICABLE TO OPERATIONS FOR COMPENSATION OR HIRE WITH SMALL AIRCRAFT

Extension of Comment Period

The Federal Aviation Administration proposed in Notice 69-4, published in the FEDERAL REGISTER on January 30, 1969 (34 F.R. 1443), to amend Parts 121, 127, and 135 of the Federal Aviation Regulations to establish certain additional operating requirements for air taxi and commercial operators conducting operations with small aircraft under Part 135, and to require that certificate holders under Parts 121 or 127 conducting operations with small airplanes conduct those operations in accordance with Part 135.

The National Air Transportation Conference has requested a 30-day extension of time for submission of comments. The National Air Transportation Conference requests the extension to enable its new organization of commuter airlines and air taxis to evaluate the comments of its individual members.

I find that petitioner has shown a substantive interest in the proposed rule, that good cause exists for the extension and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 69-4 will be received is extended to May 31, 1969.

Issued in Washington, D.C., on April 1, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-4009; Filed, Apr. 4, 1969; 8:48 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 329]

PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Advertising of Interest on Deposits

Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation is considering amending Part 329 in the following respects:

1. The heading of the part would be amended to read as follows:

PART 329—INTEREST ON DEPOSITS

§ 329.0 [Amended]

2. In § 329.0, "§§ 329.7 and 329.8" would be substituted for "§ 329.7".

3. In § 329.3 the heading, paragraph (a) and paragraph (e) would be amended to read as follows:

§ 329.3 Interest on time and savings deposits.

(a) *Maximum rate.* Except as provided in this section, no insured nonmember bank shall, directly or indirectly, by any device whatsoever, pay interest on any time deposit or savings deposit at a rate in excess of such applicable maximum rate as the Board of Directors of the Federal Deposit Insurance Corporation shall prescribe from time to time in § 329.6. In determining the maximum amount of interest permitted to be paid, the effects of compounding may be disregarded.

* * * * *

(e) *Technical grace periods in computing interest on certain time deposits.* Where a time deposit matures in 30 days, 90 days, 180 days, 360 days, or even multiples of these periods, or where a time deposit matures in 1 month, 3 months, 6 months, 12 months, or even multiples of these periods, insured nonmember banks may pay interest for such periods at one-twelfth of the maximum rate, one-quarter of the maximum rate, one-half of the maximum rate, or at the maximum rate, or even multiples thereof, respectively. In the case of any other time deposit no insured nonmember bank shall pay interest at the maximum rate based on more days than the number of days the funds are actually on deposit.

* * * * *

§ 329.6 [Amended]

4. The last two sentences in § 329.6 would be revoked.

§ 329.7 [Amended]

5. The last sentence of § 329.7(c) would be revoked, and the first sentence would be amended to read: "In determining the maximum amount of interest or dividends permitted to be paid, the effects of compounding may be disregarded."

6. A new § 329.8 would be added to read as follows:

§ 329.8 Advertising of interest on deposits.

Every advertisement, announcement, or solicitation relating to the interest or dividends paid on deposits in insured nonmember banks (including insured nonmember mutual savings banks) shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest or dividend rates shall be stated in terms of annual rates of simple interest or dividends. In no case shall a rate be advertised which is in excess of the applicable maximum rate for the particular deposit.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding. No insured nonmember bank shall advertise a percentage yield based on the effect of grace periods permitted such banks in this part.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year, unless the annual rate of simple interest and the required number of years for such advertised yield are stated with equal prominence, together with a reference to the basis of compounding. No insured nonmember bank shall advertise any average annual percentage yield achieved by compounding interest during a period in excess of a year unless such yield is clearly qualified by the following language: "This yield is an average annual yield which will be attained only if the deposit is held until the final indicated maturity, and only if interest is not withdrawn until such final maturity."

(d) *Time or amount requirements.* If an advertised rate is payable only on deposits that meet time or amount requirements, such requirements shall be clearly stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the deposit is withdrawn at an earlier maturity.

(e) *Profit.* The term "profit" shall not be used in referring to interest or dividends paid on deposits.

(f) *Advertising must be accurate.* No insured nonmember bank shall make any advertisement, announcement or solicitation relating to the interest or dividends paid on deposits which is inaccurate in any particular or which in any way misrepresents its deposit contracts.

(g) *Solicitation of deposits for banks.* Any person or organization other than an insured nonmember bank which solicits deposits for an insured nonmember bank shall be bound by the rules contained in this section with respect to any advertisement, announcement or solicitation relating to such deposits. No such person or organization shall advertise a percentage yield on any deposit it solicits for an insured nonmember bank which is not authorized to be paid and advertised by such bank.

§ 329.101 [Revoked]

7. Section 329.101 would be revoked.

The principal purpose of the proposed amendment is to implement the authority contained in section 2(b) of the Act of September 21, 1968 (Public Law

90-505), 82 Stat. 856, which amended section 18(g) of the Federal Deposit Insurance Act, 12 U.S.C. 1828(g), giving the Federal Deposit Insurance Corporation the authority to prescribe rules governing the advertisement of interest on deposits. The proposed advertising rules are intended to replace advertising guidelines set forth in the Corporation's letter of December 16, 1966, to insured nonmember banks. The new rules would incorporate the existing guideline requirements that interest rates be in terms of annual rates of simple interest; that the annual rate of simple interest be stated with equal prominence where a total or average annual percentage yield is advertised; and that time and amount requirements for an advertised rate be stated. In addition the proposed rules would require that where any advertised percentage yield is based on a period in excess of a year (such as average annual yields achieved by compounding), or where any time requirement for an advertised rate is in excess of a year, the number of years required for such yield or rate must also be stated with equal prominence. As a further measure designed to avoid misleading advertising, average annual percentage yields must be explained by language indicating that the yield is attained only if the deposit is held until final maturity and only if interest is not withdrawn until final maturity. Also, the regulations are made expressly applicable to persons or organizations who solicit deposits for insured nonmember banks in advertisements relating to such deposits. This requirement would prevent brokers from advertising a percentage yield on deposits solicited for insured nonmember banks which is in excess of the percentage yield which such banks themselves are permitted to advertise.

The proposed amendments also effectuate various technical changes necessitated by the proposed advertising regulation, or designed to clarify and simplify existing provisions in the interest regulations.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 302.1 of the rules of procedure of the Federal Deposit Insurance Corporation.

To aid in the consideration of these matters by the Board of Directors of the Federal Deposit Insurance Corporation, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429, to be received not later than 30 days after the publication of this notice in the FEDERAL REGISTER.

Dated at Washington, D.C., this 28th day of March 1969.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-3879; Filed, Apr. 4, 1969; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 526]

[No. 22,680]

FEDERAL HOME LOAN BANK SYSTEM

Limitations on Rate of Return; Advertising

MARCH 27, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 526) as set forth below, for the purpose of implementing an amendment to section 5B of the Federal Home Loan Bank Act, contained in Public Law 90-505, 82 Stat. 856, approved September 21, 1968, giving the Board the authority to prescribe rules governing the advertisement of interest or dividends on savings accounts. The proposed advertising rules, which would replace existing advertising guidelines promulgated by Board Resolution No. 20,344, dated December 14, 1966, would incorporate the existing guideline requirements that interest or dividend rates be in terms of annual rates of simple interest; that the simple interest rate per annum be stated with equal prominence where total or average annual percentage yields are stated; and that time and amount requirements for an advertised rate be stated. In addition, the proposed rules would require that where any percentage yield based on a period in excess of a year is advertised, such as average annual yields achieved by compounding, or where any time requirement for a rate is in excess of a year, the number of years required for such yield or rate must also be stated with equal prominence. As a further measure designed to avoid misleading advertising, average annual percentage yields must be explained by language indicating that the yield is not attained unless the savings account is held until final maturity and unless interest or dividends are not withdrawn until final maturity. Also, the regulations are made expressly applicable to persons or organizations who solicit savings accounts for member institutions in their advertisements relating to such savings accounts. This requirement would prevent brokers from advertising a percentage yield on savings accounts solicited for member institutions which is in excess of the percentage yield such institutions themselves are permitted to advertise.

Accordingly, it is proposed to amend Part 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 526) by adding thereto, immediately after § 526.6, the following new section:

§ 526.7 Advertising of interest on savings accounts.

Every advertisement, announcement, or solicitation relating to the interest or dividends paid on savings accounts in member institutions shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest or dividend rates shall be stated in terms of annual rates of simple interest or dividends. In no case shall a rate be advertised which is in excess of the applicable maximum rate for the particular savings account.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest or dividends during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding. No member institution shall advertise a percentage yield based on the effect of grace periods permitted such institutions in this part.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year, unless the annual rate of simple interest and the required number of years for such advertised yield are stated with equal prominence, together with a reference to the basis of compounding. No member institution shall advertise any average annual percentage yield achieved by compounding interest during a period in excess of a year unless such yield is clearly qualified by the following language: "This yield is an average annual yield which will be attained only if the savings account is held until the final indicated maturity, and only if interest or dividends are not withdrawn until such final maturity".

(d) *Time or amount requirements.* If an advertised rate is payable only on savings accounts that meet time or amount requirements, such requirements shall be clearly stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the savings account is withdrawn at an earlier maturity.

(e) *Profit.* No reference shall be made to "profit" to the savings account holder for the use of his funds over a period of time.

(f) *Advertising must be accurate.* No member institution shall make any advertisement, solicitation or announcement relating to the interest or dividends paid on savings accounts which is inaccurate in any particular or which in any way misrepresents its savings account contracts.

(g) *Solicitation of savings accounts for member institution.* Any person or organization other than a member institution which solicits savings accounts for a member institution shall be bound by the rules contained in this section with respect to any advertisement, announcement or solicitation relating to such savings accounts. No such person or organization shall advertise a percentage yield on any savings account it solicits for a member institution which is not authorized to be paid and advertised by such institution.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by May 2, 1969, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-3880; Filed, April 4, 1969; 8:45 a.m.]

[12 CFR Part 569]

[No. 22,681]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Limitations on Rate of Return; Advertising

MARCH 27, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 569 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 569) as set forth below, for the purpose of implementing an amendment to section 5B of the Federal Home Loan Bank Act, contained in Public Law 90-505, 82 Stat. 856, approved September 21, 1968, giving the Board the authority to prescribe rules governing the advertisement of interest or dividends on savings accounts. The proposed advertising rules, which would replace existing advertising guidelines promulgated by Board Resolution No. 20,344, dated December 14, 1966, would incorporate the existing guideline requirements that interest or dividend rates be in terms of annual rates of simple interest; that the simple interest rate per annum be stated with equal prominence where total or average annual percentage yields are stated; and that time and amount requirements for an advertised rate be stated. In addition, the proposed rules would require that where any percentage yield based on a period in excess of a year is advertised, such as average annual yields achieved by compounding, or where any time requirement for a rate is in excess of a year, the number of years required for such yield or rate must also be stated with equal prominence. As a further measure designed to avoid misleading advertising, average annual percentage yields must be explained by language indicating that the yield is not attained unless the savings account is held until final maturity and unless interest or dividends are not withdrawn until final maturity. Also, the regulations are made expressly applicable to persons or organizations who solicit savings accounts for member institutions in their advertisements relating to such savings accounts. This requirement would prevent brokers from advertising a percentage yield on savings accounts solicited for member institutions which is in excess of the percentage yield such institutions themselves are permitted to advertise.

Accordingly, it is proposed to amend Part 569 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 569) by adding thereto, immediately after § 569.6, the following new section:

§ 569.7 Advertising of interest on savings accounts.

Every advertisement, announcement, or solicitation relating to the interest or dividends paid on savings accounts in insured institutions shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest or dividend rates shall be stated in terms of annual rates of simple interest or dividends. In no case shall a rate be advertised which is in excess of the applicable maximum rate for the particular savings account.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest or dividends during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding. No insured institution shall advertise a percentage yield based on the effect of grace periods permitted such institutions in this part.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year, unless the annual rate of simple interest and the required number of years for such advertised yield are stated with equal prominence, together with a reference to the basis of compounding. No insured institution shall advertise any average annual percentage yield achieved by compounding interest during a period in excess of a year unless such yield is clearly qualified by the following language: "This yield is an average annual yield which will be attained only if the savings account is held until the final indicated maturity, and only if interest or dividends are not withdrawn until such final maturity".

(d) *Time or amount requirements.* If an advertised rate is payable only on savings accounts that meet time or amount requirements, such requirements shall be clearly stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the savings account is withdrawn at an earlier maturity.

(e) *Profit.* No reference shall be made to "profit" to the savings account holder for the use of his funds over a period of time.

(f) *Advertising must be accurate.* No insured institution shall make any advertisement, solicitation or announcement relating to the interest or dividends paid on savings accounts which is inaccurate in any particular or which in any way misrepresents its savings account contracts.

(g) *Solicitation of savings accounts for an insured institution.* Any person or organization other than an insured institution which solicits savings accounts for an insured institution shall be bound by the rules contained in this section with respect to any advertisement, announcement or solicitation relating to such savings accounts. No such person or organization shall advertise a percentage yield on any savings account it solicits for an insured institution which is not authorized to be paid and advertised by such institution.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by May 2, 1969, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-3881; Filed, Apr. 4, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

PAYMENT OF INTEREST ON DEPOSITS

Advertising Interest on Deposits

The Board of Governors is considering amending Part 217 (Regulation Q) in the following respects:

1. The heading of the part would be amended to read as follows:

PART 217—INTEREST ON DEPOSITS

2. The last two sentences of § 217.6 would be revoked and the remainder of that section redesignated as § 217.7.

3. Section 217.3 (a) and (e) would be amended to read as follows:

(a) *Maximum rate.* Except as provided in this section, no member bank shall, directly or indirectly, by any device whatsoever, pay interest on any time or savings deposit at a rate in excess of such applicable maximum rate as the Board of Governors of the Federal Reserve System shall prescribe from time to time in § 217.7. In ascertaining the rate of interest paid, the effects of compounding of interest may be disregarded.

* * * * *

(e) *Technical grace periods in computing interest on certain time deposits.* Where a time deposit matures in 30 days, 90 days, 180 days, 360 days, or even multiples of these periods, or where a time deposit matures in 1 month, 3 months, 6 months, 12 months, or even multiples of these periods, member banks may pay interest for such periods at one-twelfth of the maximum rate, one-quarter of the maximum rate, one-half of the maximum rate, or at the maximum rate, or even multiples thereof, respectively. In the case of any other time deposit no member bank shall pay interest at the maximum rate based on more days than the number of days the funds are actually on deposit.

4. In § 217.3(g) the reference to "§ 217.6" would be amended to refer to "§ 217.7."

5. A new § 217.6 would be added to read as follows:

§ 217.6 Advertising of interest on deposits.

Every advertisement, announcement, or solicitation relating to the interest paid on deposits in member banks shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest rates shall be stated in terms of the annual rate of simple interest. In no case shall a rate be advertised that is in excess of the applicable maximum rate for the particular deposit.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominance, together with a reference to the basis of compounding. No member bank shall advertise a percentage yield based on the effect of grace periods permited in § 217.3.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year, unless the annual rate of simple interest and the required number of years for such advertised yield are stated with equal prominence, together with a reference to the basis of compounding. No member bank shall advertise any average annual percentage yield achieved by compounding interest during a period in excess of a year unless such yield is clearly qualified by the following language: "This yield is an average annual yield that will be attained if the deposit is held until the final indicated maturity and if interest is not withdrawn until such maturity."

(d) *Time or amount requirements.* If an advertised rate is payable only on deposits that meet time or amount requirements, such requirements shall be clearly stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate to apply shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the deposit is withdrawn at an earlier maturity.

(e) *Profit.* No reference shall be made to "profit".

(f) *Advertising must be accurate.* No member bank shall make any advertisement, announcement, or solicitation relating to the interest paid on deposits that is inaccurate in any particular or that in any way misrepresents its deposit contracts.

(g) *Solicitation of deposits for banks.* Any person or organization other than a member bank that solicits deposits for a member bank shall be bound by the rules contained in this section with respect to any advertisement, announcement, or solicitation relating to such deposits. No such person or organization shall advertise a percentage yield on any deposit it solicits for a member bank that is not authorized to be paid and advertised by such bank.

6. Sections 217.104 and 217.145 would be revoked.

These proposed amendments are designed to implement the authority granted to the Board by section 2 of the Act of September 21, 1968 (82 Stat. 856) and would supersede the statement of principles on bank advertising for funds set forth in the Board's letter to member State banks of December 16, 1966.

The principal purpose of the proposed amendments is to add a new rule governing advertising of interest on deposits under which a member bank that advertises the average annual percentage yield on deposits would be required to include an equally prominent statement of the simple interest rate and the number of years required to achieve the yield, together with a reference to the basis for compounding and an explanatory statement on average annual yield. In addition, the proposed amendments would add a rule making the advertising rules expressly applicable to persons or organizations who solicit deposits for member banks in their advertisements relating to such deposits. The effect of this latter requirement would be to prevent brokers from advertising percentage yields on deposits solicited for member banks that are in excess of yields member banks themselves are permitted to advertise.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 28, 1969.

Dated at Washington, D.C., this 28th day of March 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3986; Filed, Apr. 4, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

JAMES A. McCLIMANS

Notice of Granting of Relief

Notice of granting of relief pursuant to section 925(c), title 18, United States Code.

Notice is hereby given that James A. McClimans, Rural Delivery No. 2, Aliquippa, Pa., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 31, 1955, in the Court of Quarter Sessions of the Peace for the County of Mercer, Pa., of involuntary manslaughter, a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James A. McClimans, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 United States Code, Appendix) because of such conviction it would be unlawful for Mr. McClimans, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered James A. McClimans' application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to James A. McClimans from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that James A. McClimans be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 1st day of April 1969.

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

[F.R. Doc. 69-4027; Filed, Apr. 4, 1969; 8:49 a.m.]

[Order 67 (Rev. 7)]

CERTAIN AUTHORIZED OFFICIALS

Signing Commissioner's Name or on His Behalf

Effective as of 12:01 p.m., e.s.t., April 1, 1969, all outstanding authorizations to sign the name of, or on behalf of, William H. Smith, Acting Commissioner of Internal Revenue, are hereby amended to authorize the signing of the name of, or on behalf of, Randolph W. Thrower, Commissioner of Internal Revenue.

This order supersedes Delegation Order No. 67 (Rev. 6), issued January 21, 1969.

Issued: April 1, 1969.

Effective date: April 1, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 69-4028; Filed, Apr. 4, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

SALEM MARITIME NHS

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Salem Maritime NHS, proposes to issue a concession permit to Edward B. Rushford, authorizing him to sell antiques to the public at the Rum Shop, 170 Derby Street, Salem, for a period of 5 years from January 1, 1969, through December 31, 1973.

The foregoing concessioner has performed his obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Salem Maritime NHS, Customhouse, Derby Street, Salem, for information as to the requirements of the proposed permit.

Dated: January 3, 1969.

EDWIN W. SMALL,
Acting Superintendent.

[F.R. Doc. 69-3994; Filed, Apr. 4, 1969; 8:46 a.m.]

Office of the Secretary

DARIUS N. KEATON, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 13, 1969.

Dated: March 21, 1969.

D. N. KEATON.

[F.R. Doc. 69-3995; Filed, Apr. 4, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

April Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

1. The U.S. Department of Agriculture announced today the price at which Commodity Credit Corporation (CCC) commodity holdings are available for sale beginning at 3 p.m., e.s.t., on March 31, 1969, and, subject to amendment, continuing until superseded by the April Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, peanuts, tung oil, butter, cheese, and nonfat dry milk.

Cottonseed meal is deleted from the list of commodities.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list.

and for commodities stored at other locations from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

2. In the following listing of Commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM–4) for April 1969 are 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, milled and brown rice, tobacco, cottonseed oil, soybean oil, dairy products, tallow, lard, breeding cattle, and rye. Upland cotton produced on "export market acreage" is eligible for financing. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM–4.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malting barley), oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS–1, as amended; tobacco under Announcement PS–3; cottonseed oil and soybean oil under Announcement PS–2; and upland and extra long staple cotton under Announcement PS–4; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter 13 percent protein or higher, Hard Red Spring 14 percent protein or higher, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of Barter and Stockpiling, Foreign Agricultural Service, USDA, Washington, D.C. 20250.

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

6. Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

7. On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated under the Export Control Act of 1949. These restrictions also apply to any commodities purchased from the Commodity Credit Corporation whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce Comprehensive Export Schedule. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1968 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel in-store).*[1]

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½	$0.15	Minneapolis—No. 1 DNS ($1.56) 115 percent +$0.15; $1.95. Portland—No. 1 SW ($1.44) 115 percent +$0.15; $1.81. Kansas City—No. 1 HRW ($1.44) 115 percent +$0.15; $1.81. Chicago—No. 1 RW ($1.46) 115 percent +$0.15; $1.83.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price

See footnotes at end of document.

levels for export under Announcement GR-345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR-345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

B. CCC will sell wheat for export under Announcement GR-261 (Revision II, Jan. 9, 1961, as amended and supplemented) subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

C. CCC will not sell wheat under Announcement GR-346 until further notice.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate [2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate [2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store [1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store	Examples
$0.13	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.09+$0.02½) 115 percent +$0.13; $1.42. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.09+$0.02½ +$0.19); 105 percent +$0.13; $1.50.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS grain offices.

GRAIN SORGHUM, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate [2] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate [2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.22¼	$0.17¾	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.63) 115 percent +$0.22¼; $2.10¼. Kansas City, Mo. ($1.81) 115 percent +$0.17¾; $2.26¾. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.63+$0.34); 105 percent +$0.22¼; $2.29¼. Kansas City, Mo. ($1.81+$0.34); 105 percent +$0.17¾; $2.43¾.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section C. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcement:

A. Announcement GR-212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rate [2] for the class, grade, and quality of the barley plus the applicable markup.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½	$0.15	Cass County, N. Dak. ($0.86); 115 percent +$0.17½; $1.17½. Minneapolis, Minn. ($1.10); 115 percent +$0.15; $1.42.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for barley. Sales will be made pursuant to the following announcement:

A. Announcement GR-212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Minneapolis, and Portland grain offices.

OATS, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rates [3] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markup and example (dollars per bushel in-store [1] Basis No. 2 XHWO).*

Markup in-store	Example
$0.17½	Redwood County, Minn. ($0.60+$0.03 quality differential); 115 percent +$0.17½; $0.90½.

C. *Nonstorable.* At not less than the market price as determined by CCC.

Export. Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcement:

A. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to barter contracts and for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent [3] of the applicable 1968 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½	$0.15	Rollete County, N.Dak. ($0.89); 115 percent +$0.17½; $1.20½. Minneapolis, Minn. ($1.23); 115 percent +$0.15; $1.57.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye.

See footnotes at end of document.

Sales will be made pursuant to the following announcement:

A. Announcement GR-212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1968 loan rate plus 5 percent plus 38 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR-369, Revision III, as amended, Rice Export Program.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO-C-32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the 1968 loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO-C-31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, as determined by CCC, but not less than a minimum price determined by CCC, which will in no event be less than 120 points (1.2 cents) per pound above the 1968 loan rate for such cotton.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN-EX-28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO-C-31, as amended, at the prices described in the preceding paragraph B.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO-C-6 (Revision 2) and Announcement NO-C-10 (Revised). Under these announcements extra long staple cotton (domestically-grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current loan rate for such cotton plus reasonable carrying charges, or (b) the market price as determined by CCC.

Export.

CCC Disposals for Barter. Competitive offers under the terms and conditions of Announcement CN-EX-29 (Acquisition of American-Egyptian Cotton for Export under the Barter Program), as amended, and Announcement NO-C-6 (Revision 2), at not less than the market price, as determined by CCC.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO-C-20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GPA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

Terms and conditions of sale are set forth in Announcement PR-1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Association Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM-PR-4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, Telephone Washington, D.C., area code 202, DU 8-3901.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1968 price-support rate[2] for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example (dollars per bushel in-store No. 1, 9.1-9.5 percent moisture).*

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
$0.16½	$0.13¾	Minneapolis, Minn. ($3.16) 105 percent + $0.13¾; $3.44¼.

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP-14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP-23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP-14: 75.25 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 74.5 cents per pound—Washington, Oregon, and California. All other States 74.25 cents per pound.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP-14: 53.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean, and the Gulf of Mexico. All other States 52.75 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1-0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only), Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353-6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334–3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: Area Code 415, 556–6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525–4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9–3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442–3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 228–7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587–4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475–3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237–5205.

Ohio, Room 202, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469–5644.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on April 2, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69–4018; Filed, Apr. 4, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(67)–7]

OLAVI LAURI SUNDSTROM AND OY SKANDINAVIAN METAL AB

Order Denying Export Privileges for Indefinite Period

In the matter of Olavi Lauri Sundstrom and Oy Skandinavian Metal AB, Kaisanienmenkatu 1 C 78, Helsinki, Finland, respondents; File No. 23(67)–7.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Olavi Lauri Sundstrom of Helsinki, Finland, was the owner of the respondent firm Oy Skandinavian Metal AB also of Helsinki and that the respondents were engaged as dealers in commodities including the importation and exportation thereof.

The said Investigations Division is conducting an investigation under the Export Control Act relating to respondents' participation in transactions involving strategic U.S.-origin commodities. In one instance certain commodities were exported from the United States to respondents and in other instances certain commodities were exported to a designee of respondents as ultimate consignee. In still other instances the commodities were ordered by respondents from U.S. suppliers but the exportations were prevented by U.S. Government action. The said Investigations Division is seeking to obtain the facts and circumstances regarding respondents ordering of said commodities, the use or intended use of the commodities and in those instances where the commodities were exported, their disposition.

It is impracticable to subpoena the respondents, and relevant and material written interrogatories and requests to furnish certain specific documents relating to the matters under investigation were served on them pursuant to § 382.15 of the Export Regulations. The respondents have failed to furnish answers to the interrogatories and have failed to furnish the documents requested, all as required by said section. They have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended. *Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party,

or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly; (a) apply for, obtain, transfer or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on April 4, 1969.

Dated: April 1, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-4023; Filed, Apr. 4, 1969; 8:48 a.m.]

Business and Defense Services Administration

SAN FRANCISCO STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00199-01-77030. Applicant: San Francisco State College, 1600 Holloway Avenue, San Francisco, Calif. 94132. Article: Nuclear magnetic resonance spectrometer, Model JNM-C-60HL. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used as a multipurpose educational-research instrument. It will be operated by undergraduate and graduate students in the following courses:

Physical-Organic Instrumental Methods.
Spectroscopic Methods.
Special Studies.
Research.

The article will also be operated by a laboratory assistant to provide spectra of unknowns given to our students in the organic qualitative analysis course. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has both an internal and external lock. The most closely comparable domestic nuclear magnetic resonance spectrometer is the Model HA-60-IL, manufactured by Varian Associates (Varian), which offers either an external or internal lock but not both in the same instrument. For some purposes for which the foreign article is intended to be used, such as routine proton studies, low temperature studies of carbon 13 labeled carbonium ions, and studies of rate processes, an internal lock is required. (See memorandum from National Bureau of Standards (NBS) dated Jan. 27, 1969 and memorandum from Department of Health, Education, and Welfare (HEW) dated Feb. 27, 1969.) For other studies for which the foreign article is intended to be used, such as studies of substances at very low temperatures, only an external lock can be employed. (See memoranda from NBS and HEW cited above.) Therefore, the availability of both an internal and external lock in the same instrument is a pertinent characteristic. NBS and HEW also concur in the pertinency of the wider and more sweep capability available with the foreign article. For the foregoing reasons, we find that the Varian Model HA-60-IL is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3978; Filed, Apr. 4, 1969; 8:45 a.m.]

UNIVERSITY OF FLORIDA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00456-33-46040. Applicant: University of Florida, Gainesville, Fla. 32601. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for teaching and research. In teaching, the article will be used exclusively by students in a course offered during one quarter of each year in the use of an electron microscope. It is important that the instrument be simple and convenient to operate, because achieving competence in its use is difficult in any case. For research, the electron microscope will be used heavily by graduate students for thesis and dissertation research. Because of the wide variety of materials which will be examined and the high volume demands on the instrument, a microscope combining simplicity of operation with productivity and reliability is essential. Application received by Commissioner of Customs: March 6, 1969.

Docket No. 69-00473-00-61800. Applicant: Pittsylvania County Schools, Educational and Cultural Center, Chatham, Va. 24531. Article: Geocentric earth accessory for an existing Goto Planetarium. Manufacturer: Goto Manufacturing Co., Japan. Intended use of article: The article will be used as an accessory to an existing Goto Planetarium installed in the school last year. Application received by Commissioner of Customs: March 17, 1969.

Docket No. 69-00475-33-46500. Applicant: Texas Technological College, Lubbock, Tex. 79409. Article: Ultramicrotome, Model LKB 8800A, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in teaching and research programs to produce ultrathin sections

of biological materials for electron microscopy. The major research program concerns a study of the host-parasite complex consisting of a higher plant and its fungal parasite. In teaching, it will be necessary to use a wide variety of embedding media in order to match the hardness of the specimen. It is well known that harder blocks require slow cutting speeds and that softer plastics are best sectioned at higher cutting speeds. Thus a wide range of cutting speeds is required in order to produce thin sections suitable for electron microscopic examination. Application received by Commissioner of Customs: March 18, 1969.

Docket No. 69-00476-33-46500. Applicant: Methodist Hospital of Brooklyn, 506 Sixth Street, Brooklyn, N.Y. 11215. Article: Ultramicrotome, Reichert Model OmU2. Manufacturer: C. Reichert Optische Werke A. G., Austria. Intended use of article: The article will be used for serial sectioning tissue in uniform thickness of about 50 angstroms for study under the electron microscope. The research concerned is a study of the fine structure of tumors produced in lungs of mice exposed to air polluted by ozone, as well as a study to compare the changes in cells of bladder tumors of patients as compared to those produced in animals by chemical means. Application received by Commissioner of Customs: March 18, 1969.

Docket No. 69-00477-33-46040. Applicant: San Jose State College, 125 South Seventh Street, San Jose, Calif. 95114. Article: Electron microscope, Model JEM-T7 and accessories. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for teaching purposes and graduate student research projects. Projects presently underway include the investigation and study of ultrastructure of frog skin and other epithelial type ion pumping organs. Also, studies will be undertaken on immuno chemistry work using rat kidney tissue. The program involves studies of the ultrastructure of various biological specimens with particlar emphasis on histochemical and immuno chemical properties of these specimens. Application received by Commissioner of Customs: March 18, 1969.

Docket No. 69-00479-33-46500. Applicant: The University of Kansas, Lawrence, Kans. 66044. Article: Ultramicrotome, Model LKB 4800A, Ultrotome I. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to obtain exceedingly thin sections of embedded biological materials for visualization in the electron microscope. The need for an article capable of cutting sections as thin as 50 angstroms is related to studies of filaments of DNA (deoxyribonucleic acid), the genetic material, and cytoplasmic microtubules. Since the dimensions of DNA filaments and microtubules are at the macromolecular and molecular levels, a need exists to obtain sections as thin as possible. Application received by Commissioner of Customs: March 19, 1969.

Docket No. 69-00480-25-41200. Applicant: University of Colorado, Regent Hall, Room 122, Boulder, Colo. 80302. Article: Klystron oscillator, type VC 742. Manufacturer: Varian Associates of Canada, Ltd. Intended use of article: The article will be used in a research effort to develop a 94GHz Maser Receiver that would be useful in radio astronomy applications. Application received by Commissioner of Customs: March 19, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Operations Administration.

[F.R. Doc. 69-3979; Filed, Apr. 4, 1969; 8:45 a.m.]

UNIVERSITY OF ILLINOIS ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00458-00-77040. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Field ion source, Type EF04B. Manufacturer: Atlas Mass und Analysen Technik, GMBH, West Germany. Intended use of article: The article will be used to determine two types of mass spectra without removing the ion course and breaking vacuum. Domestically manufactured similar items are not interchangeable nor compatible with the foreign items for which the foreign article is intended. Application received by Commissioner of Customs: March 11, 1969.

Docket No. 69-00462-33-46040. Applicant: Case Western Reserve University, Institute of Pathology, 2085 Adelbert Road, Cleveland, Ohio 44106. Article: Electron microscope, Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for specific projects concerning the following:

1. An investigation of the morphological effects of several antimalarial drugs on malarial parasites.
2. A study of hepatic nuclear membranes in malignancy.
3. A study of pathogenesis of arteriosclerosis.

Application received by Commissioner of Customs: March 12, 1969.

Docket No. 69-00466-40-30600. Applicant: Florida Atlantic University, 500 Northwest 20th Street, Boca Raton, Fla. 33432. Article: Hydrodynamic system—dealing with fluid motion problems confronting hydraulic engineers, Model 9093. Manufacturer: Armfield Engineering, Ltd., U.K. Intended use of article: The article will be used in a course in fluid mechanics. It permits students to carry out experimental investigations in characteristics of laminar and turbulent flow, boundary layer studies, flow around airfoils, cylinders and other objects, three dimensional flows, formation of shock-waves, and other problems relating to fluids in motion. Application received by Commissioner of Customs: March 10, 1966.

Docket No. 69-00470-33-33300. Applicant: The University of Texas M. D. Anderson Hospital and Tumor Institute, 6723 Bertner, Houston, Tex. 77025. Article: Fibergastroscope, "Machida Type B". Manufacturer: Shoei Industries Co., Ltd., Japan. Intended use of article: The article will be used for clinical cancer research. A unique specification of the article is that of direct vision biopsy of the stomach by which gastric cancer can frequently be diagnosed without surgery in the living human. Application received by Commissioner of Customs: March 17, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3980; Filed, Apr. 4, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CLINICAL LABORATORIES IMPROVEMENT ACT OF 1967

Notice of Effective Date; Submittal of Applications

The Clinical Laboratories Improvement Act of 1967, section 5, Public Law No. 90-174, amended the Public Health Service Act by adding a new section 353, 42 U.S.C. 263a, relating to the licensing

of clinical laboratories. Section 5(b) of Public Law No. 90–174 provides that the amendment to the Public Health Service Act made thereby shall become effective on the first day of the 13th month after the month of its enactment, but authorizes the Secretary of Health, Education, and Welfare to postpone the effective date of such amendment for such additional period as he finds necessary, but not beyond the first day of the 19th month after the month of its enactment.

According to the notice published December 31, 1968, 33 F.R. 20049, the Act would be made effective April 1, 1969. In order to provide laboratories and accrediting organizations a sufficient period of time in which to conform to the requirements of the law and regulations, I find it necessary to postpone the effective date of the Act for an additional period of time, and, pursuant to the authority contained in section 5(b) of Public Law No. 90–174, do hereby postpone such effective date until July 1, 1969.

Notice is also given that in order to assure review prior to the effective date of July 1, 1969, complete applications (1) for licenses and (2) for letters of exemption (in the case of laboratories accredited by an approved accreditation body, whose standards have been determined to be equal to or more stringent than the provisions of section 353 of the Public Health Service Act, as amended, 42 U.S.C. 263a, and the regulations issued thereunder, 42 CFR Part 74), must be filed on or before May 1, 1969.

Dated: March 14, 1969.

[SEAL] JOSEPH T. ENGLISH,
Administrator, Health Services and Mental Health Administration.

Approved: March 31, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–4084; Filed, Apr. 4, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69–8]

KANSAS CITY, MO., AND OMAHA, NEBR.

Proposed Revocation of Designations as Ports of Documentation

1. The Commandant, U.S. Coast Guard, is considering a proposal to revoke the designations of Kansas City, Mo., and Omaha, Nebr., as ports of documentation and to conduct at and from the office of the Commander, 2d Coast Guard District, 1520 Market Street, Federal Building, St. Louis, Mo. 63103, such documentation activities as have been performed heretofore at Kansas City and Omaha.

2. Accordingly, notice is given that under authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), it is proposed to:

(a) Revoke the designations of Kansas City, Mo., and Omaha, Nebr., as ports of documentation; and

(b) Transfer the documentation records at Kansas City and Omaha, to the office of the Commander, 2d Coast Guard District, 1520 Market Street, Federal Building, St. Louis, Mo. 63103; and

(c) Make St. Louis the home port of all vessels now having Kansas City and Omaha as their home port.

3. Interested persons may submit such written data, views, or arguments as they may desire regarding the proposals set forth in this document. All communications should be submitted in duplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591, as soon as possible. Each communication shall identify the subject to which it is directed, the reason or basis for views expressed, and the name, address, and business firm or organization (if any) of the submitter. Each communication received on or before May 5, 1969, by the Commandant (CMC) will be considered and evaluated before taking final actions on the proposals in this document. Copies of all written comments received by the Commandant (CMC) will be available for examination and reading by interested persons in Room 4211, Coast Guard Headquarters, Washington, D.C., both before and after the closing date (May 5, 1969). The acknowledgment of the comments received or reasons why the suggested changes were or were not adopted cannot be furnished since personnel are not available to handle the necessary correspondence involved. The proposals contained in this document may be changed in the light of comments received.

4. At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officials by contacting the Executive Secretary, Merchant Marine Council, Room 4211, Coast Guard Headquarters, Washington, D.C. 20591. Any data or views presented during such informal conferences must be submitted in writing to the Commandant (CMC) in accordance with this notice in order that they may become part of the record.

Dated: April 1, 1969.

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

[F.R. Doc. 69–4040; Filed, Apr. 4, 1969; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18659]

BUFFALO-TWIN CITIES NONSTOP SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 10, 1969, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on February 26, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 1, 1969.

[SEAL] GREER M. MURPHY,
Hearing Examiner.

[F.R. Doc. 69–4049; Filed, Apr. 4, 1969; 8:50 a.m.]

[Docket No. 20541]

TRANSPORTES AEREOS DE CARGA, S.A. (TRANSCARGA)

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 10, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., April 1, 1969.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 69–4050; Filed, Apr. 4, 1969; 8:50 a.m.]

[Docket No. 19956]

TRANSPORTES AEREOS NACIONALES, S.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearconference in the above-entitled matter is assigned to be held on April 22, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., April 2, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–4051; Filed, Apr. 4, 1969; 8:50 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

PEOPLES TRUST AND SAVINGS CO., FORT WAYNE, IND.

Notice of Application for Exemption

Pursuant to authority granted the Corporation under sections 12(h) and 12(i) of the Securities Exchange Act of

1934, as amended, notice is hereby given to all interested parties that The Peoples Trust and Savings Co., Fort Wayne, Ind., has applied to the Federal Deposit Insurance Corporation for exemption from certain provisions of that Act. The bank has asked the Corporation to exempt it, its officers and directors from the requirements of sections 12, 13, 14, and 16 of the Act.

Interested persons are given the opportunity to present their written views or comments on this application within 20 days following the date of publication of this notice in the FEDERAL REGISTER. Communications should be addressed to the Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429.

Dated this 28th day of March 1969.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-3981; Filed, Apr. 4, 1969; 8:45 a.m.]

CIVIL SERVICE COMMISSION

NURSES, GALVESTON, TEX.

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has adjusted the special salary rates previously authorized for certain nurse positions as follows:

GS-610 NURSE SERIES

Geographic coverage: Galveston, Tex.
Effective date: First day of the first pay period beginning on or after April 6, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,684	$6,855	$7,026	$7,197	$7,368	$7,539	$7,710	$7,881	$8,052	$8,223
GS-5	7,073	7,265	7,456	7,648	7,840	8,032	8,224	8,416	8,608	8,800
GS-6	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069
GS-7	7,447	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544
GS-8	7,906	8,213	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269

[1] Corresponding statutory rates: GS-4—tenth; GS-5—eighth; GS-6—fifth; GS-7—third; GS-8—second.

NOTE: Special rates for GS-6 have not been changed. They are repeated for convenience.

All new employees in the specified occupational levels will be hired at the new minimum rates. If there is no special rate range for a grade that previously had a special range, the regular rates apply.

As of the effective date, the agency will process a pay adjustment for employees on the rolls in the affected occupational levels as follows:

Employees in grades GS-4 and GS-5 (the rates for these grades are increased). An employee who immediately prior to the effective date was receiving basic compensation at one of the prior special rates shall receive basic compensation at the corresponding numbered rate authorized by this letter on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Employees in grades GS-7 through GS-11 (the rates for these grades are reduced). Employees in these grade levels shall be converted to the new special or regular salary rates in accordance with § 530.306 of the Commission's regulations. This section of the regulations provides that no employee shall have his pay reduced because of adjustments in special salary rates.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4032; Filed, Apr. 4, 1969; 8:48 a.m.]

NURSES, LUBBOCK, TEX.

Notice of Cancellation of Special Salary Rates

Under the provisions of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has canceled the special salary rates authorized for positions of Nurses GS-610-5, 6, and 7, Lubbock, Tex. (including Reese Air Force Base). This cancellation is effective the first day of the first pay period beginning on or after March 24, 1969.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4033; Filed, Apr. 4, 1969; 8:49 a.m.]

MEDICAL EQUIPMENT REPAIRER, VETERANS ADMINISTRATION HOSPITAL, IOWA CITY, IOWA

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on March 14, 1969, for the single position of Medical Equipment Repairer, WG-4805-11, Veterans Administration Hospital, Iowa City, Iowa. This finding is self-canceling when the position is filled.

Assuming other legal requirements are met, the appointee to this position may be paid for the expense of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4034; Filed, Apr. 4, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the positions of Assistant to the Secretary and of Deputy Director, Office of Minority Business Enterprise.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4035; Filed, Apr. 4, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator, Social and Rehabilitation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4036; Filed, Apr. 4, 1969; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment the position of Deputy General Counsel. This position is removed from the excepted service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4039; Filed, Apr. 4, 1969; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive asignment has been changed from "Assistant Deputy Attorney General for Litigation" to "Associate Deputy Attorney General".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4037; Filed, Apr. 4, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director, Office of Government Liaison, Office of Assistant Secretary for Public Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-4038; Filed, Apr. 4, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18503, 18504; FCC 69-280]

UNITED COMMUNITY ENTERPRISES, INC., AND SALUDA BROADCASTING CO., INC.

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

In re applications of United Community Enterprises, Inc., Greenwood, S.C., Docket No. 18503, File No. BP-17439; Requests: 1090 kc, 1 kw, Day; Saluda Broadcasting Co., Inc., Saluda, S.C., Docket No. 18504, File No. BP-17529; requests: 1090 kc, 500 w, Day; for construction permits.

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

2. An analysis of the financial section of the United Community application reveals that the applicant will require $57,879 to meet first-year construction and operation costs, consisting of: Down payments on equipment, $4,360; first-year payments on equipment with interest, $4,719; land, $1,800; building, $5,000; miscellaneous costs, $2,000; and working capital, $40,000. The applicant proposes to meet these requirements with existing capital of $30,000 and a shareholder's loan of $30,000 for a total of $60,000. However, the balance sheet of the lender-shareholder does not provide a basis to determine whether he will have the necessary net available current liquid assets to meet his loan commitment since it is impossible to ascertain whether his stock investments can be converted to provide the necessary capital. The financial information must be updated to determine whether the line of credit from the equipment manufacturer is still available and whether there have been any changes in the financial position of the parties involved. Thus, a financial issue will be included.

3. The two 50 percent shareholders of United Community have interests in the licensee of station WESC (AM and FM), Greenville, S.C. John Y. Davenport is the vice president, secretary, director, general manager, and 1 percent shareholder of the licensee.[1] Wallace A Mullinax is the station and sales manager of WESC. Since there is mutual 1 mv/m overlap between WESC and the proposed facility, an issue will be specified to determine whether a grant of the proposal would be in contravention of § 73.35(a) of the Commission's rules.

4. A Suburban[2] issue is required as to United Community Enterprises, Inc. The Commission has stated that an applicant must provide full information as to the steps it has taken to become acquainted with the needs and interests of the area to be served and how it proposes to meet those needs. Public Notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903. Although the applicant conducted a survey of individuals in the proposed service area, it did not give the identity by name, position, and organization of the individuals contacted. It also failed to list the suggestions that it received as to how the station could help meet the area's needs. Accordingly, a programing issue will be included.

5. Examination of the financial portion of the Saluda proposal indicates that the applicant will need $60,173 to meet estimated first-year construction and operation costs, consisting of: Down payment on equipment, $3,523; first-year payments on equipment with interest, $3,806; land, $720; building, $5,000; miscellaneous costs, $5,000; repayment on the bank loan with interest, $16,404; and working capital, $25,720. To meet these costs, the applicant intends to rely on existing capital of $1,000, new capital in the form of stock subscriptions of $13,000, and a bank loan of $30,000 for a total of only $44,000. In addition, one of the stockholders, C. Bruce Barksdale Jr., has agreed to loan any additional funds required to meet any first-year commitments. Examination of the balance sheet of 50 percent stockholder C. Bruce Barksdale, Jr., shows that he has sufficient net current and liquid assets to meet both his $6,500 stock subscription commitment and the balance of the applicant's first-year operating costs. The remaining 50 percent stockholder, Ted B. Wyndham, relies on a $7,000 bank loan to meet his $6,500 stock subscription commitment. However, neither this bank loan commitment, nor the $30,000 bank loan commitment is current. Likewise, the letter of credit from the applicant's equipment manufacturer is not current. Finally, the proposed $25,720 proposed first-year operating figure appears, in the absence of a detailed breakdown, to be inordinately low. Accordingly, an appropriate issue will be specified.

6. 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 specified below:

7. *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 each of the proposed operations and the availability of other primary service to such areas and populations.

(2) To determine, with respect to the application of United Community Enterprises, Inc.:

(a) Whether John Y. Davenport is able to meet his $30,000 loan commitment to the applicant.

(b) Whether the $30,000 shareholder's loan and the letter of credit from the equipment manufacturer are still available and, if so, the terms and conditions thereof.

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

(3) To determine whether a grant of the application of United Community Enterprises, Inc., would be in contravention of the provisions of § 73.35(a) of the Commission's rules with respect to the multiple ownership of standard broadcast stations.

(4) To determine the efforts made by United Community Enterprises, Inc., to ascertain the community needs and interests of the area to be served and the manner by which the applicant proposes to meet such needs and interests.

(5) To determine, with respect to the application of Saluda Broadcasting Co., Inc.:

(a) The basis of the applicant's estimated operating costs for the first year and whether such estimate is reasonable.

[1] John Y. Davenport, holds only one qualifying share. Robert A. Schmit, 90 percent shareholder of the licensee, is the beneficial owner.

[2] Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961).

(b) Whether the bank loans and the equipment manufacturer's credit are still available and, if so, the terms and conditions thereof.

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

(6) 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.

(7) 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.

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

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

9. *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 21, 1969.

Released: April 2, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]

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

[F.R. Doc. 69-4041; Filed, Apr. 4, 1969; 8:50 a.m.]

WARREN COUNTY RADIO AND RADIO VOICE OF WARRENTON

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

In re applications of James Hartwell Mayes, Jr., trading as Warren County Radio, Warrenton, N.C., Docket No. 18501, File No. BP-17527; requests: 1520 kc, 1 kw, Day; Vernon H. Steed and Frances L. Steed, doing business as Radio Voice of Warrenton, Warrenton, N.C., Docket No. 18502, File No. BP-17751; requests: 1520 kc, 1 kw, Day; for construction permit.

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

2. Examination of the financial portion of the Warren County application indicates that $43,725 will be required to meet estimated first-year construction and operation costs, consisting of: Down payment on equipment, $3,517; first-year payments on equipment with interest, $2,748; building, $500; miscellaneous costs, $1,850; payments on bank loan with interest, $5,110; and working capital, $30,000. To meet these costs, the applicant intends to rely on prepaid expenses of $1,200; liquid assets of the partners of approximately $5,000; a bank loan of $20,000; and expected revenues of $37,243 for a total of $63,443. However, the statement made in support of the revenue claim of $37,243 does not provide a realistic basis for concluding that this amount would be available. Furthermore, neither the bank loan letter nor the equipment manufacturer's letter is current. Finally, the estimate of construction costs ($16,417) appears to be inordinately low. Accordingly, a financial issue will be included.

3. With respect to the engineering portion of the Warren County application, there is a discrepancy in that the proposed coordinates do not appear to describe accurately the location of the proposed antenna site. Moreover, this discrepancy casts doubt on the validity of the applicant's tower clearance by the Federal Aviation Administration. Thus, we will specify appropriate issues with respect thereto.

4. A Suburban[1] issue is required as to both applicants. The Commission has stated that an applicant must provide full information as to the steps he has taken to become informed of the real community needs and interests of the area to be served. Public notice, August 22, 1968, 13 FCC 2d 391, 13 RR 2d 1903. Warren County Radio contacted 11 people identified by name, position, and organization, but failed to list the suggestions that these people offered as to community needs and interests. In addition, in the light of the small number of individuals contacted, it cannot be assumed that a representative cross section of the community was consulted. The survey by Radio Voice of Warrenton also fails to list the suggestions received. Finally, as in the case of Warren County Radio, the number of persons interviewed is too low. Therefore, programing issues will be included as to both applicants.

5. Examination of the financial portion of the Radio Voice application reveals that $29,675 will be needed to meet first year construction and operation costs, consisting of: First year payments on equipment with interest, $2,840; land, $200; building, $925; miscellaneous costs, $2,850; and working capital, $22,860. To meet these costs, the applicant has available cash and liquid assets of $2,000 and a loan from an individual of $20,000 for a total of only $22,000. Applicant fails to meet the first year commitments by $8,000. Although the applicant provided some itemization of used equipment and operating expenses, it does not provide an adequate basis to justify the estimates of construction costs ($16,870) and annual operating expenses ($22,860) in view of the modest figures proposed. In addition, the loan commitment and letter of credit from the equipment manufacturer are not current. Accordingly, a financial issue will be specified.

6. 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 specified below:

7. *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 efforts made by the applicants to ascertain the community needs and interests of the area to be served and the means by which they propose to meet those needs and interests.

(2) To determine with respect to the application of Warren County Radio:

(a) The basis for the estimated construction costs.

(b) The basis of the applicant's estimated first year revenues, if it will depend upon operating revenues to meet fixed costs and operating expenses.

(c) Whether the $20,000 bank loan and letter of credit from the equipment manufacturer are available, and, if so, the terms and conditions thereof.

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

(3) To determine the actual coordinates of the transmitter site proposed by Warren County Radio.

(4) To determine whether the antenna tower proposed by Warren County Radio would constitute a hazard to air navigation.

(5) To determine, with respect to the application of Radio Voice of Warrenton:

(a) The manner in which the applicant will obtain additional funds to construct and operate the station for 1 year.

(b) The basis of the estimated construction costs and the estimated operating expenses for the first year.

(c) Whether the $20,000 loan and letter of credit from the equipment manufacturer are still available, and, if so, the terms and conditions thereof.

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

(6) To determine which of the proposals would, on a comparative basis, 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.

[3] Commissioners Bartley and Robert E. Lee absent.

[1] Suburban Broadcasters, 30 FCC 1021, 20 RR 951.

8. *It is further ordered*, That the Federal Aviation Administration is made a party to the proceeding.

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

10. *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.

11. *It is further ordered*, That, in the event of a grant of the application of Warren County Radio, the construction permit shall contain the following condition: Before program tests are authorized permittee shall submit sufficient field intensity measurement data to establish that the inverse distance field is essentially 176 mv/m/kw, as proposed.

12. *It is further ordered*, That, in the event of a grant of the application of Radio Voice of Warrington, the construction permit shall contain the following conditions: Before program tests are authorized permittee shall submit sufficient field intensity measurement data to establish that the inverse distance field is essentially 175 mv/m/kw, as proposed.

Before program tests are authorized permittee shall install approved modulation monitor.

Adopted: March 21, 1969.

Released: April 2, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-4042; Filed, Apr. 4, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC., AND UNICORN SHIPPING LINES (PTY.) LTD.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. Hans Unterwiener, Manager, Freight Documentation and Inward Freight, Farrell Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Agreement No. 9789, between Farrell Lines, Inc., and The Unicorn Shipping Lines (Pty.) Ltd., establishes a through billing arrangement for cargo in the trade between ports in Mauritius, Reunion, Malagasy Republic (Madagascar), Mozambique, Comoro, and Seychelles Islands, and United States Atlantic ports with transhipment at ports in the Republic of South Africa in accordance with the terms and conditions set forth in the Agreement.

Dated: April 2, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-4044; Filed, Apr. 4, 1969; 8:50 a.m.]

JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. C. A. Cole, Jr., Chairman, Japan-Atlantic & Gulf Freight Conference, Sumitomo Seimei Yaesu Bldg., 3, Yaesu 4-Chome, Chuo-Ku, Tokyo, Japan.

Agreement No. 3103-37, between the member lines of the Japan-Atlantic and Gulf Freight Conference amends Article 1 of the basic agreement (3103, as amended) by providing that the Conference Agreement is not applicable to cargo moving on through bills of lading where the originating or destination ports are outside of the trade embraced by the Conference Agreement.

Dated: April 2, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-4045; Filed, Apr. 4, 1969; 8:50 a.m.]

WILHELMSEN LINE JOINT SERVICE AND FERN-VILLE LINE JOINT SERVICE

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 office 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:

Seymour H. Kligler, Esq., Herman Goldman, Attorneys & Counselors at Law, 120 Broadway, New York, N.Y. 10005.

Agreement No. 7668-5, between Wilhelmsen Line Joint Service and Fern-Ville Line Joint Service, amends the basic agreement by providing that the lines may freely contribute vessels to and remove vessels from the joint service, that dues, expenses and any deposits required by a conference, pooling or other agreement the service joins shall be shared equally and that Fearnley & Egers Befragtningsforretning A/S shall cease to be a member of the Fern-Ville Line.

By order of the Federal Maritime Commission.

Dated: April 2, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-4046; Filed, Apr. 4, 1969; 8:50 a.m.]

[2] Commissioners Bartley and Robert E. Lee absent.

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION AND ATLANTIC NATIONAL BANK OF JACKSONVILLE

Notice of Applications for Approval of Acquisition of Shares of Bank

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Atlantic Bancorporation and the Atlantic National Bank of Jacksonville, which are bank holding companies located in Jacksonville, Fla., for the prior approval of the Board of the acquisition by Applicants of at least 60 percent of the voting shares of Normandy Atlantic Bank, Jacksonville, Fla., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The applications may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 28th day of March 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3987; Filed, Apr. 4, 1969; 8:46 a.m.]

BANKERS TRUST NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Bankers Trust New York Corp., which is a bank holding company located in New York, N.Y., for the prior approval of the Board of the acquisition by Applicant of 100 percent of the voting shares of Bank of Jamestown, Jamestown, N.Y.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Dated at Washington, D.C., this 28th day of March 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3988; Filed, Apr. 4, 1969; 8:46 a.m.]

FIRST NATIONAL BANK OF FORT WORTH

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The First National Bank of Fort Worth, Fort Worth, Tex., for approval of acquisition of 24.9 percent of the voting shares of Great Southwest National Bank of Arlington, Arlington, Tex., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by The First National Bank of Fort Worth, Fort Worth, Tex., a registered bank holding company, for the Board's prior approval of the acquisition of 24.9 percent of the voting shares of Great Southwest National Bank of Arlington, Arlington, Tex., a proposed new bank.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 28, 1968 (33 F.R. 19967), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas, pursuant to delegated authority, and that Great Southwest National Bank of Arlington shall be open for business not later than 6 months after the date of this order.

Dated at Washington, D.C., this 27th day of March 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3989; Filed, Apr. 4, 1969; 8:46 a.m.]

SOUTHEAST BANCORPORATION, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Southeast Bancorporation, Inc., Miami, Fla., for approval of acquisition of 80

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Sherrill. Absent and not voting: Chairman Martin and Governor Brimmer.

percent or more of the voting shares of Everglades Bank and Trust Co., Fort Lauderdale, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Southeast Bancorporation, Inc., Miami, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Everglades Bank and Trust Co., Fort Lauderdale, Fla.

As required by section 3(b) of the Act, the Board notified the Florida Commissioner of Banking of the application and requested his views and recommendation. The Commissioner advised the Board of his action approving the same proposal under provisions of State law.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 13, 1968 (33 F.R. 18534), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the application so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

Dated at Washington, D.C., this 27th day of March 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3990; Filed, Apr. 4, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4732]

ALABAMA POWER CO.

Notice of Issuance of First Mortgage Bonds for Improvement Fund Purposes

MARCH 31, 1969.

Notice is hereby given that Alabama Power Co. (Alabama), 600 North 18th Street, Birmingham, Ala. 35202, a public utility subsidiary company of The Southern 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) and 7 thereof as applicable to the proposed transaction. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes, on or prior to June 1, 1969, to issue $4,756,000 principal amount of its First Mortgage Bonds, 4⅝ percent Series due 1987, under the provisions of its Indenture dated as of January 1, 1942, between Chemical Bank New York Trust Co., as Trustees, as supplemented, and to surrender such bonds to the Trustees in accordance with the improvement fund provisions. The bonds are to be identical with those authorized by the Commission on April 30, 1957 (Holding Company Act Release No. 13457), and are to be issued on the basis of property additions, thus making available for construction purposes cash which would otherwise be required to satisfy improvement fund provisions or to purchase bonds for such purpose.

It is stated that the issuance of the bonds has been expressly authorized by the Alabama Public Service Commission and that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be paid in connection with the proposed transaction are estimated at $1,750, including legal fees of $500.

Notice is further given that any interested person may, not later than April 25, 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 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. 69-3996; Filed, Apr. 4, 1969; 8:46 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

APRIL 1, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey, a New Jersey corporation, 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 April 1, 1969, through April 10, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3997; Filed, Apr. 4, 1969; 8:47 a.m.]

[70-4733]

MISSISSIPPI POWER CO.

Notice of Proposed Issue of First Mortgage Bonds for Sinking Fund Purposes

MARCH 31, 1969.

Notice is hereby given that Mississippi Power Co. (Mississippi), 2500 14th Street, Gulfport, Miss. 39501, a public-utility subsidiary company of The Southern 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) and 7 thereof as applicable to the proposed transaction. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transaction.

Mississippi proposes, on or prior to June 1, 1969, to issue $976,000 principal amount of its First Mortgage Bonds, 4⅝ percent Series due 1987, under the provisions of its Indenture dated as of September 1, 1941, between Mississippi and Morgan Guaranty Trust Company of New York, as Trustee, as amended and supplemented, and to surrender such bonds to the Trustee in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on April 3, 1957 (Holding Company Act Release No. 13437), and are to be issued on the basis of property additions, thus making available for construction and other purposes cash which would otherwise be required

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, and Sherrill. Absent and not voting: Governors Maisel and Brimmer.

to satisfy the sinking fund requirement or to purchase bonds for such purpose.

The fees and expenses to be paid by Mississippi in connection with the issuance of the bonds are estimated at $750, including counsel fee of $250. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 25, 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. 69-3998; Filed, Apr. 4, 1969; 8:47 a.m.]

[File No. 24W-2823]

PROFESSIONAL ACCEPTANCE CORP.

Order Temporarily Suspending Exemption, Statement or Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 1, 1969.

I. Professional Acceptance Corp. (issuer), Law & Finance Building, 429 Fourth Avenue, Pittsburgh, Pa., incorporated in the State of Delaware on April 4, 1967, filed with the Commission on June 30, 1967, a notification on Form 1-A and an offering circular relating to an offering of 2,890 shares of its $100 par value preferred stock at $100 per share and 1,039,000 shares of its $0.01 par value common stock for an aggregate offering price of $299,390, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The offering was to be sold in units of 10 preferred shares and 1,000 common shares for a unit price of $1,010 per unit.

II. The Commission has reason to believe from information reported to it by its staff that the notification and offering circular of Professional Acceptance Corp. contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

(1) The jurisdiction in which said securities would be offered and sold;

(2) The extent to which securities would be issued on other than a cash basis;

(3) The true financial condition of the issuer at the time of the commencement of the offering;

(4) The amount of the "faithful performance deposits" which would be obtained from franchisees;

(5) Sales of the issuer's securities during the course of the offering in a different common stock to preferred stock ratio than that in which it was offered to the public; and

(6) The sale of a large amount of the public offering to a wholly owned subsidiary of the issuer.

The offering has been made in violation of the antifraud provisions of section 17 of the Securities Act of 1933, as amended.

III. It, appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commisison, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

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

[F.R. Doc. 69-3999; Filed, Apr. 4, 1969; 8:47 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

APRIL 1, 1969.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 2, 1969, through April 11, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-4000; Filed, Apr. 4, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 2, 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. 41600—*Lumber and related articles from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-25), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from points in southwestern territory, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, South Dakota, and Wisconsin on the CMStP&P, MN&S and SooLine RR; also between points in southwestern territory, on the one hand, and points in

Missouri on the CMStP&P, on the other.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 122 to Southwestern Freight Bureau, agent, tariff ICC 4690.

FSA No. 41601—*Grain and grain products to San Diego, Calif.* Filed by Pacific Southcoast Freight Bureau, agent (No. 261), for interested rail carriers. Rates on grain, grain products and related articles, in carloads, from specified points in Montana, to San Diego, Calif.

Grounds for relief—Unregulated truck and truck-barge competition.

Tariff—Supplement 69 to Pacific Southcoast Freight Bureau, agent, tariff ICC 1783.

FSA No. 41602—*Asphalt and residual fuel oil to points in Colorado and Wyoming.* Filed by Western Trunk Line Committee, agent (No. A-2583), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum (other than paint, stain or varnish), and residual fuel oil, in tank carloads, as described in the application, from points in Colorado and Wyoming, to points in Minnesota, North Dakota, South Dakota, and Wisconsin.

Grounds for relief—Carrier competition.

Tariff—Supplement 71 to Western Trunk Line Committee, agent, tariff ICC A-4572.

By the Commission.

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

[F.R. Doc. 69-4024; Filed, Apr. 4, 1969; 8:48 a.m.]

[Notice 807]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 2, 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 30844 (Sub-No. 269 TA), filed March 26, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles as are dealt in by retail discount stores*, except foodstuffs and articles, in bulk, restricted to transportation originating at or destined to the facilities of Arlans Department Stores, from New York City, N.Y., and the commercial zone thereof, to points in Iowa, and Freeport, Rockford, Peru, Galesburg, Peoria, Pekin, Mattoon, and Moline, Ill., for 180 days. Supporting shipper: Arlan's Department Stores, Inc., New York, N.Y. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 83539 (Sub-No. 244 TA), filed March 24, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Low speed motor vehicles* not suitable for general highway transportation, *accessories, attachments and parts* when moving in connection therewith, from the plantsite of Ottawa Steel Products, Ottawa, Kans., to points in the United States (except Alaska, Hawaii, and Kansas), for 180 days. NOTE: Applicant does not intend to tack authority. Supporting shipper: Ottawa Steel Products, 1313 North Hickory Street, Ottawa, Kans. 66067. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 109172 (Sub-No. 5 TA), filed March 25, 1969. Applicant: NATIONAL TRANSFER, INC., doing business as NATIONAL MOTOR FREIGHT, 4100 East Marginal Way, Seattle, Wash. 98134. Applicant's representative: George Kargianis, 609-11 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shipping containers;* (1) between points in Oregon, on the one hand, and on the other, points in Washington; and (2) between points in Washington, for 180 days. NOTE: Applicant intends to tack with MC 109172 and subs thereunder. Supporting shipper: American Mail Line, 1010 Washington Building, Seattle, Wash. 98101. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 110525 (Sub-No. 902 TA), filed March 28, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19355. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine solution*, in bulk, from Lake Charles, La., to Marinette, Wis., for 150 days. Supporting shipper: Olin Chemicals, 120 Long Ridge Road, Stamford, Conn. 06905. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 114789 (Sub-No. 22 TA), filed March 28, 1969. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned, bottled and packaged food products*, from points in New York, New Jersey, Pennsylvania, Massachusetts, and Ohio to St. Paul, Minn., for 180 days. Supporting shipper: Gourmet Foods, Inc., 1020 Raymond Avenue, St. Paul, Minn. 55114. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 116077 (Sub-No. 263 TA), filed March 26, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral springs water*, in bulk, in tank vehicles, from the wellsite of the Caddo Valley Mineral Springs Corp. 10 miles west of Norman, Ark., to Houston Distilled Water Co., Houston, Tex., for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Houston Distilled Water Co. (Mr. Victor B. Bond, president), 2801 Polk Avenue, Houston, Tex. 77003. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 123057 (Sub-No. 8 TA), filed March 24, 1969. Applicant: JAMES RICCIARDI & SONS, INC., 203 Fillmore Street, Staten Island, N.Y. 10301. Applicant's representative: Morton Kiel, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between points in the New York, N.Y., commercial zone as defined by the Commission. In trailers or containers, on traffic having a prior or subsequent movement by water, for 180 days. Supporting shipper: Transamerican Trailer Transport, Inc., 358 St. Marks Place, Staten Island, N.Y. 10301. Send protests to: Paul W. Assenza, District

Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 124078 (Sub-No. 372 TA), filed March 28, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: David S. Harris, Commerce Department (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Sylvania, Ga., to points in South Carolina, for 150 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006 (B. M. LaMonica, Manager, Rates). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 126838 (Sub-No. 4 TA), filed March 25, 1969. Applicant: EARNEST J. RUSH, JR., doing business as CLARENCE F. GUTHRIE HAULING SERVICE, Box 341, Rural Delivery 2, Canonsburg, Pa. 15317. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed limestone*, in bags, from Dry Run, Pa., to Triadelphia, Short Creek, and Moundsville, W. Va.; (2) *crushed limestone*, in bulk, from the facilities of New Castle Lime & Stone Co., Inc., located in Mahoning Township, Lawrence County, and the facilities of New Enterprise Stone & Lime Co., Inc., located in Ashcom, Pa., to Benwood, the District of Clay and the District of Meade, Marshall County, W. Va., for 180 days. Supporting shipper: New Enterprise Stone & Lime Co., Inc., New Enterprise, Pa. 16664. Send protests to: District Supervisor Frank L. Calvary, Bureau of Operations, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 128495 (Sub-No. 1 TA), filed March 25, 1969. Applicant: AARID VAN LINES, INC., 1329–1337 South Hanover Street, Baltimore, Md. 21230. Applicant's representative: Anthony C. Vance, Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Baltimore City, Md.; U.S. Naval Training Center, Bainbridge, Md.; Army Chemical Center, Edgewood, Md.; Aberdeen Proving Ground, Aberdeen, Md.; and points in Lancaster and Chester Counties, Pa., and Kent County, Md., and New Castle County, Del. *Restriction:* Restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. NOTE: Applicant intends to tack MC 128495, to extent required at authorized joinder points such as Baltimore, Md. and named military installations. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 129092 (Sub-No. 1 TA), filed March 24, 1969. Applicant: HARVEY TRANSPORT LIMITED, Post Office Box 638, Rue Du Pont, Alma, Lake St. John, Province of Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, rough or polished, in blocks or slabs, semi-finished or finished, motor vehicle in interstate or foreign commerce, from the ports of entry on the international boundary line between the United States and Canada, located at or near Derby Line, Norton, Highgate Springs, and Morses Line, Vt. and Jackman, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, New York, Connecticut, and Rhode Island for 180 days. Supporting shipper: National Granite Ltd., Alma, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 133526 (Sub-No. 1 TA), filed March 24, 1969. Applicant: DICKSON'S TRANSPORT AND COACH LINES (NAPANEE) LIMITED, Rural Route No. 5, Napanee, Ontario, Canada. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel sewage treatment plants* on specially built semi-trailers, from ports of entry on the United States-Canadian Boundary at or near Ogdensburg, Alexandria Bay, Niagara Falls, and Buffalo, N.Y.; and Detroit and Port Huron, Mich.; to points in New York, Pennsylvania, Michigan, Ohio, Vermont, Maryland, New Jersey, New Hampshire, Connecticut, Rhode Island, Delaware, West Virginia, and Massachusetts. Restricted to shipments originating at Napanee, Ontario, Canada, for 150 days. Supporting shipper: Napanee Industries (1962) Ltd., 51 Ann Street, Box 700, Napanee, Ontario, Canada. Attn: H. W. Wreford, Materials Manager. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 133582 TA, filed March 24, 1969. Applicant: LAURA GAIL KUTZLER, doing business as GLADSTONE CARRIERS, Waukegan, Ill. 60085. Applicant's representative: Richard A. Kerwin, 33 North Dearborn, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from the plant and warehouse sites of the Kitchens of Sara Lee, a division of Consolidated Foods at Deerfield, Ill., and the warehouse sites of the Kitchens of Sara Lee, a division of Consolidated Food Company at Chicago, Ill., to points in Indiana, Ohio, Kentucky, and Iowa, for 180 days. Supporting shipper: Charles Michel, Kitchens of Sara Lee Division of Consolidated Food Co., 500 Waukegan Road, Deerfield, Ill. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133583 TA, filed March 25, 1969. Applicant: CENTRAL MOVING & STORAGE, INC., Post Office Box 18305, 7801 North Pan Am Expressway, San Antonio, Tex. 78218. Applicant's representative: J. D. Albright, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* between San Antonio, Tex., on the one hand, and, on the other, points in Bexar County, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Astron Forwarding Co., Post Office Box 161, Oakland, Calif. 94604; Vanpac Carrier, Inc., 2114 Macdonald Avenue, Richmond, Calif. 94801. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

By the Commission.

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

[F.R. Doc. 69-4025; Filed, Apr. 4, 1969; 8:49 a.m.]

[Notice 322]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 2, 1969.

Synposes 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-70960. By order of March 21, 1969, the Motor Carrier Board

approved the transfer to John Welch, William Welch, and W. D. Welch, a partnership, doing business as Welch Bros. Trucking Co., Portales, N. Mex., of the operating rights in permit No. MC–119883 issued January 11, 1963, to Joe R. Welch, Portales, N. Mex., authorizing the transportation of lumber from points in Arizona, Colorado, and New Mexico, to points in Texas on and west of U.S. Highway 75. Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87101, attorney for applicants.

No. MC–FC–71108. By order of March 25, 1969, the Motor Carrier Board approved the transfer to Leonard L. Carpenter, doing business as Carpenter Van Lines, 6301 East 120th Street Terrace, Kansas City, Mo. 64030, of the certificate in No. MC–128838, issued August 16, 1967, to Armond B. Dillon, doing business as Dillon Moving & Storage Co., 10 North Broadway, Aurora, Ill. 60504, authorizing the transportation of household goods between Glassport, Pa., and points within 10 miles thereof, on the one hand, and, on the other, points in New York, Ohio, West Virginia, and Maryland; and between Greensburg, Pa., on the one hand, and, on the other, points in Ohio and West Virginia.

No. MC–FC–71178. By order of March 21, 1969, the Motor Carrier Board approved the transfer to Pack Transport, Inc., Idaho Falls, Idaho, of certificate No. MC–104816 (Sub-No. 2) issued November 27, 1968, to Hayes Truck Line, Inc., Jackson, Wyo., authorizing the transportation of building materials and other specified commodities from, to, or between specified points in Wyoming and Idaho. Max D. Eliason, 3015 Bonnie Brea Avenue, Post Office Box 2602, Salt Lake City, Utah 84110, attorney for applicants.

No. MC–FC–71192. By order of March 21, 1969, the Motor Carrier Board approved the transfer to Monk's Express, Inc., Binghamton, N.Y., of certificate of registration No. MC–84565 (Sub-No. 7) issued to Leslie F. Hicks, doing business as L. F. Hicks Trucking Co., Cortland, N.Y., evidencing a right to engage in interstate or foreign commerce, between points within the State of New York. Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202, attorney for applicants.

No. MC–FC–71198. By order of March 25, 1969, the Motor Carrier Board approved the transfer to Dillon Moving and Storage Co., a corporation, 10 North Broadway, Aurora, Ill. 60504, of a portion of the certificate in No. MC–105854, issued July 18, 1968, to Leonard L. Carpenter, doing business as Carpenter Van Lines, 6301 East 120th Street Terrace, Kansas City, Mo. 64030, authorizing the transportation of household goods as defined by the Commission between points in Greene, Lawrence, Monroe, and Orange Counties, Ind., on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, and Ohio; and between points in Lawrence, Monroe, Orange, and Greene Counties, Ind., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Maryland, Virginia, Wisconsin, Missouri, New York, Iowa, and the District of Columbia.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–4026; Filed, Apr. 4, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69–638, etc.]

ASHLAND OIL & REFINING CO. ET AL.

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

MARCH 27, 1969.

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

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–638..	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	158	4	Natural Gas Pipeline Co. of America (Northeast Quinlaw Field, Woodward County, Okla.) (Panhandle Area).	$14,121	2–28–69	[2] 4–8–69	9–8–69	[3] 18.256	[4] [5] 20.402	R168–128.
RI–69–639.	Glover Hefner Kennedy Oil Co. (Operator) et al., 1010 Kermac Bldg., Oklahoma City, Okla. 73102.	1	5	Arkansas Louisana Gas Co. (Canute Field, Washita and Custer Counties, Okla.) (Oklahoma "Other" Area).	4,021	3–3–69	[2] 4–3–69	9–3–69	15.08	[6] [7] 17.09	
RI69–640..	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	82	1	Natural Gas Pipeline Co. of America (Thomas Area, Dewey and Custer Counties, Okla.) (Oklahoma "Other" Area).	500	3–3–69	[2] 4–3–69	9–3–69	[3] 15.0	[4] [8] [9] 15.0	
	....do....	83	4	Panhandle Eastern Pipe Line Co. (Northwest Oakdale Field, Woods County, Okla.) (Oklahoma "Other" Area.)	1,722	3–3–69	[2] 4–3–69	9–3–69	[10] 16.41	[4] [10] [11] 21.33	
RI69–641..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	299	2	Natural Gas Pipeline Co. of America (Thomas Plant Area, Dewey and Custer Counties, Okla.) (Oklahoma "Other" Area).	3,045	3–5–69	[2] 6–1–69	11–1–69	[3] 15.0	[4] [8] [9] 16.015	
	....do....	33	14	El Paso Natural Gas Co. (Langmat Field, Lea County, N. Mex.) (Permian Basin Area).	151	3–10–69	[2] 4–10–69	9–10–69	13.83	[4] [12] [13] 16.0218	
	....do....	17	19	El Paso Natural Gas Co. (Monahans Field, Ward and Winkler Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	9,492	2–28–69	[2] 3–31–69	8–31–69	14.12	[4] [12] 15.3893	
	....do....	134	16	El Paso Natural Gas Co. (University Block 9, Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	8,725	2–28–69	[2] 3–31–69	8–31–69	12.81	[4] [12] 13.5183	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-642..	Shell Oil Co. (Operator) et al.	267	3	Panhandle Eastern Pipe Line Co. (Elk City Plant, Beckham County, Okla.) (Oklahoma "Other" Area).	$227,103	3- 6-69	[2] 4- 6-69	9- 6-69	18.055	[4] [14] [15] 19.092	
	do	268	33	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey, Woods and Major Counties, Okla.) (Oklahoma "Other" Area).	23,323	3-10-69	[2] 4-10-69	9-10-69	[16] 19.135	[4] [16] [18] 19.792	RI65-649, RI67-383.
	do	289	7	Arkansas Louisiana Gas Co. (North Carter Field, Beckham County, Okla.) (Oklahoma "Other" Area).	138	3-10-69	[2] 4-10-69	9-10-69	17.9	[4] [5] 18.015	RI67-19.
	do	332	8	Panhandle Eastern Pipe Line Co. (South Bishop Field, Roger Mills County, Okla.) (Oklahoma "Other" Area).	1,680	3-10-69	[2] 4-10-69	9-10-69	[16] 15.0	[4] [17] [18] 17.0	
	do	41	22	El Paso Natural Gas Co. (Tubb-Blinebry et al., Fields, Lea County, N. Mex.) (Permian Basin Area).	68,421	3-10-69	[2] 4-10-69	9-10-69	14.55	[4] [10] 16.6318	
RI69-689..	Shell Oil Co. (Operator).	315	4	El Paso Natural Gas Co. (Northwest Ozona Field, Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	[21] 98,455	2-28-69	[2] 3-31-69	8-31-69	[21] 15.33	[4] [12] [21] 18.1566	
					[22] 1,004	2-28-69	[2] 3-31-69	8-31-69	[22] 17.44	[4] [12] [22] 18.1566	
RI69-643..	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	22	5	Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).	5,120	3- 7-69	[3] 4- 7-69	9- 7-69	[6] [23] 13.5	[4] [6] [23] 14.5	RI64-385.
RI69-644..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	200	11	Natural Gas Pipeline Co. of America (Southeast Canrick Field, Beaver County, Okla.) (Panhandle Area).	540	3-10-69	[2] 5-10-69	10-10-69	[6] 17.0	[4] [6] [24] 18.615	RI68-2.
	do	342	1	Natural Gas Pipeline Co. of America (Pledger Miocene Fields, Brazoria County, Tex.) (RR. District No. 3).	10,230	3-10-69	[2] 5- 1-69	10- 1-69	[6] [25] 17.0	[4] [6] [8] 18.0	
RI69-645..	The Stevens County Oil & Gas Co., 302 American Savings Bldg., 201 North Main St., Wichita, Kans. 67202.	28	5	Northern Natural Gas Co. Hugoton Field, Kans.).	50	3-10-69	[4] 4-10-69	9-10-69	[6] 12.0	[4] [6] [8] 13.0	RI65-65.
RI69-646..	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	124	[26] 5	Michigan Wisconsin Pipe Line Co. (Callaway State 1-16 Unit, Northeast Cedardale Field, Major County, Okla.) (Oklahoma "Other" Area).	1,547	3- 3-69	[2] 4- 3-69	9- 3-69	[16] 15.0	[4] [17] [27] 17.1	
	do	127	3	Arkansas Louisiana Gas Co. (Burmah Field, Custer County, Okla.) (Oklahoma "Other" Area).	1,012	3- 3-69	[2] 4- 3-69	9- 3-69	15.0	[4] [29] 17.1	
	do	128	4	Arkansas Louisiana Gas Co. (North Carter Field, Beckham County, Okla.) (Oklahoma "Other" Area).	386	3- 3-69	[2] 4- 3-69	9- 3-69	15.0	[4] [28] 17.1	
	do	133	2	Natural Gas Pipeline Co. of America (West Crane Field, Custer and Dewey Counties, Okla.) (Oklahoma "Other" Area).	82	3- 3-69	[2] 4- 3-69	9- 3-69	[6] 15.0	[4] [6] [8] 16.0	
RI69-647..	Getty Oil Co. (Operator) et al.	161	3	Panhandle Eastern Pipe Line Co. (Northwest Tangier Field Woodward County, Okla.) (Panhandle Area).	12	3- 3-69	[2] 4- 3-69	9- 3-69	[16] 17.0	[4] [18] [28] 17.1	
	do	145	9	Northern Natural Gas Co. (Anadarko Basin Area, Dewey County, Okla.) (Oklahoma "Other" Area) and Ellis and Woodward Counties, Okla. (Panhandle Area).	[29] 586	[30] 3- 3-69	[2] 4- 3-69	9- 3-69	[19] [26] 15.0 [18] [26] 17.0	[4] [19] [20] [31] 17.1 [4] [19] [31] [32] 17.1	
RI69-648..	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052. Attention: R. E. Wright, Division Manager, Gas Division. William R. Slye, Esq.	149	5	Colorado Interstate Gas Co. (Table Rock Field, Sweetwater County, Wyo.).	86,142	3- 6-69	[3] 4- 6-69	9- 6-69	[33] 15.384	[33] [34] 17.435	
RI69-649..	Texaco Inc. (Operator) et al.	211	12	El Paso Natural Gas Co. (La Barge Field, Lincoln and Sublette Counties, Wyo.).	46,763	3- 6-69	[3] 4- 6-69	9- 6-69	[33] 15.384	[34] [35] 17.435	
RI69-650..	Sohio Petroleum Co. (Operator) et al., 970 First National Annex, Oklahoma City, Okla. 73102. Attention: Gas-Gasoline Division	45	43	El Paso Natural Gas Co. (Spraberry Area, Midland, Upton, Reagan, and Glasscock Counties, Tex.) (RR. District Nos. 7-C and 8—Permian Basin Area).	30,429	3-10-69	[2] 4-10-69	9-10-69	14.50	[4] [36] [37] 18.243	
	do	64	13	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.) (Permian Basin Area).	7,249	3-10-69	[2] 4-10-69	9-10-69	13.93	[4] [36] [37] [38] 16.8793	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of [1] annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-651..	Union Texas Petroleum, a division of Allied Chemical Corp. et al., Post Office Box 2120, Houston, Tex. 77001. Attention: Mr. Elliott Flowers.	18	[39] 12	Northern Natural Gas Co. (Monument Field, Lea County, N. Mex.) (Permian Basin Area).	.....	3-3-69	[3] 4-3-69	(Accepted)	.....	.....	
		18	13	.....	3,058	3-3-69	[3] 4-3-69	9-3-69	12.7405	[4] [40] 13.7598	
RI69-652..	McCulloch Oil Corp. of California (Operator) et al., 6151 West Century Blvd., Los Angeles, Calif. 90045. Attention: W. James Saul, Vice President.	7	9	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.).	3,100	3-5-69	[3] 4-5-69	9-5-69	[41] 14.0	[5] [34] [41] 15.0	RI64-475.
RI69-653..	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, Tex. 77001. Attention: R. E. Galbraith, Manager, Natural Gas Division.	85	27	El Paso Natural Gas Co. (Various Fields, Lea and Eddy Counties, N. Mex.) (Permian Basin Area).	88,660	3-6-69	[3] 4-6-69	9-6-69	14.12	[4] [33] [35] 16.8793	
					3,827	3-6-69	[3] 4-6-69	9-6-69	[35] [42] 13.02	[4] [35] [42] 15.3448	
	do	92	16	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	388	3-6-69	[3] 4-6-69	9-6-69	14.29	[4] [33] [35] [36] 16.8793	
	do	104	16	do	5	3-6-69	[3] 4-6-69	9-6-69	13.54	[4] [33] [35] [36] 16.8793	
	do	109	14	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.) (Permian Basin Area).	56,594	3-6-69	[3] 4-6-69	9-6-69	14.07	[4] [33] [35] [36] 16.8793	
	do	150	7	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex.) (Permian Basin Area).	[43] 4,107	3-6-69	[3] 4-6-69	9-6-69	[43] 13.91	[4] [35] 18.589	
					[44] 100,385	.....			[44] 13.94	[4] [35] 18.589	
					[45] 13,877	.....			[45] 14.35	[4] [35] 18.589	
	do	160	5	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	5,950	3-6-69	[3] 4-6-69	9-6-69	14.39	[4] [35] 18.0	
	do	214	16	El Paso Natural Gas Co. (Jalmat and Eumont Fields, Lea County, N. Mex.) (Permian Basin Area).	17,364	3-6-69	[3] 4-6-69	9-6-69	13.95	[4] [33] [35] 16.8793	
RI69-654..	Continental Oil Co. (Operator).	178	6	Transwestern Pipeline Co. (Maljamar Area, Lea County, N. Mex.) (Permian Basin Area).	75,804	3-6-69	[3] 4-6-69	9-6-69	14.49	[4] [35] 18.0	
	do	176	4	Transwestern Pipeline Co. (Crawar Field, Ward, and Crane Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	21,454	3-6-69	[3] 4-6-69	9-6-69	14.67	[4] [35] 18.0	
	do	177	6	Transwestern Pipeline Co. (El Mar Area, Lea County, N. Mex.) (Permian Basin Area).	12,189	3-6-69	[3] 4-6-69	9-6-69	15.65	[4] [35] 18.0	
	do	150	[46] 6	El Paso Natural Gas Co. (Todd Ranch Plant, Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	2,569	3-6-69	[3] 4-6-69	9-6-69	15.23	[4] [35] 17.2295	
RI69-655..	Continental Oil Co.	163	8	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	1,824	3-6-69	[3] 4-6-69	9-6-69	13.66	[4] [33] [35] [36] 16.879	
	do	145	9	El Paso Natural Gas Co. (Wemac Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	32,707	3-6-69	[3] 4-6-69	9-6-69	12.81	[4] [35] 15.2025	
	do	181	7	El Paso Natural Gas Co. (Brown-Bassett Field, Terrell County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	5,734	3-6-69	[3] 4-6-69	9-6-69	12.29	[4] [35] [47] 18.0	
	do	253	9	El Paso Natural Gas Co. (Spraberry Field, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	32	3-6-69	[3] 4-6-69	9-6-69	14.5	[4] [35] 18.243	
RI69-656..	Reserve Oil and Gas Company et al., 1800 Fidelity Union Tower, Dallas, Tex. 75201.	24	[48] 11	United Gas Pipe Line Co. (Burnell-North Pettus Fields, Karnes, Bee and Goliad Counties, Tex.) (RR. District No. 2).	.....	3-6-69	[3] 4-6-69	(Accepted)	.....	.....	
		24	12		10,416	3-6-69	[3] 4-6-69	9-6-69	[49] 14.6	[4] [50] 16.0	

[1] The stated effective date is the effective date requested by Respondent.
[2] "Fractured" rate increase. Respondent contractually due 19.5 cents per Mcf.
[3] Pressure base is 14.65 p.s.i.a.
[4] Includes 17 cents base rate plus upward B.t.u. adjustment and 0.015 cent tax reimbursement before increase and 19 cents base rate plus upward B.t.u. adjustment and 0.015 cent tax reimbursement after increase (1,073 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[5] Periodic rate increase.
[6] Pressure base is 14.73 p.s.i.a.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Subject to a downward B.t.u. adjustment.
[9] Respondent filing from initial certificated rate to first periodic increase rate under contract. Initial contract base rate is 17 cents.
[10] Includes 15 cents base rate plus upward B.t.u. adjustment before increase and 19.5 cents base rate plus upward B.t.u. adjustment after increase (1,094 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[11] Increase from applicable area ceiling rate to contract rate adjusted for quality.
[12] Subject to 0.4467 cent reduction for gas delivered below 600 p.s.i.g.
[13] "Fractured" rate increase. Respondent contractually due 23 cents base rate.
[14] Includes base rate of 15 cents plus upward B.t.u. adjustment (1,037 B.t.u. gas) and 2.5 cents for gathering, dehydration and compression before increase, and gas rate of 16 cents plus upward B.t.u. adjustment and 2.5 cents for gathering, dehydration and compression after increase. Base rate subject to upward and downward B.t.u. adjustment.
[15] "Fractured" rate increase which includes 0.015 cent tax reimbursement. Contractually due 22.015 cents per Mcf.
[16] Includes base rate of 17.9 cents plus upward B.t.u. adjustment before increase (1,069 B.t.u. gas) and base rate of 18.5 cents plus upward B.t.u. adjustment and 0.015 cent tax reimbursement after increase. Base rate subject to upward and downward B.t.u. adjustment.
[17] Filing from initial certificated rate to initial contract rate.
[18] Subject to upward and downward B.t.u. adjustment.
[19] Increase from applicable area ceiling rate to contract rate.
[20] Applicable to residue gas not derived from new gas-well gas.
[21] Applicable to residue gas derived from new gas-well gas.
[22] Production above the base of The Chase Series.
[23] 8-Step periodic increase plus 0.015 cent tax reimbursement.
[24] Initial rate.
[25] Not applicable to production from acreage located in Woodward County, Okla., Panhandle Area, which is also covered by Rate Schedule No. 124.
[26] "Fractured" rate increase. Respondent contractually due 22 cents per Mcf rate.
[27] "Fractured" rate increase. Respondent contractually due 18 cents per Mcf rate.
[28] Dewey County, Okla., production. There is no present production from such acreage.
[29] Filing completed on Mar. 10, 1969, by correction letter dated Mar. 7, 1969.
[30] "Fractured" rate increase. Respondent contractually due 18 cents per Mcf rate.
[31] Woodward and Ellis Counties, Okla., production.
[32] Increase from settlement rate to contract rate.
[33] Pressure base is 15.025 p.s.i.a.
[34] Settlement rate pursuant to Commission order issued Dec. 30, 1963.

[36] Fractured increase from settlement rate. Current contract rate is 20.5 cents per Mcf.
[37] Subject to 0.4467 cent reduction for gas delivered below 600 p.s.i.g.
[38] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[39] Supplemental agreement dated Feb. 5, 1969, provides, among other things, a base rate of 13.8456 cents at 15.025 p.s.i.a. for the fourth 5-year period of delivery in lieu of 12.82 cents.
[40] Renegotiated rate increase.
[41] Includes 1 cent minimum guarantee for liquids.
[42] Spent gas lift gas.
[43] Applicable to old gas-well gas from Devonian Formation in School District No. 8.
[44] Applicable to old gas-well gas from Devonian Formation in School District No. 19.
[45] Applicable to old gas-well gas from Pennsylvanian Formation.
[46] Applicable to casinghead gas only.
[47] Subject to reduction of up to 4.5 cents per Mcf for processing by buyer.
[48] Amendment dated Oct. 3, 1968, provides, among other things, for a renegotiated rate of 16 cents for the 5-year period commencing Oct. 1, 1968, with 1 cent increases every 5 years thereafter. Deletes redetermination provisions, provides for downward B.t.u. adjustment and seller's right to file for any higher applicable area rate established by the Commission.
[49] Settlement rate as approved by Commission order issued Mar. 2, 1966, in Dockets Nos. G-18570 et al.

Union Oil Company of California and Getty Oil Co. (Supplement No. 2 to Getty's FPC Gas Rate Schedule No. 133) request that their proposed rate increases be permitted to become effective on April 1, 1969. The Stevens County Oil & Gas Co. and McCulloch Oil Corporation of California (Operator) et al., request an effective date of January 1, 1969, for their proposed rate increases. Texaco, Inc. (Operator) et al., request fective date of October 1, 1968, and Texaco, Inc. (Operator) et al., request an effective date of November 1, 1968, for their proposed rate increase. Reserve Oil and Gas Co. et al., request waiver of the statutory notice to permit an effective date of March 6, 1969, for their rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Supplement No. 13 to Sohio Petroleum Co. (Operator) et al., FPC Gas Rate Schedule No. 64; six rates of Continental Oil Co. (Operator) et al., and Supplement No. 8 to Continental Oil Co.'s FPC Gas Rate Schedule No. 163, reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso) in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file protests to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein with respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

Humble Oil & Refining Co. (Humble) requests that should the Commission suspend its proposed rate increases that the suspension periods with respect thereto be shortened to 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension periods with respect to its rate filings and such request is denied.

Concurrently with the filings of their rate increases, Union Texas Petroleum, a division of Allied Chemical Corp. et al. (Union Texas), submitted a supplemental agreement dated February 5, 1969,[50] and Reserve Oil and Gas Co. et al. (Reserve), submitted a contract amendment dated October 3, 1968;[51] which provide the basis for Union Texas and Reserve's rate increases. We believe that it would be in the public interest to accept for filing Union Texas and Reserve's contract amendments to become effective on April 3, 1969 (Union Texas), and April 6, 1969 (Reserve), the expiration dates of the statutory notice, but not the proposed rates contained therein which are suspended as hereinafter ordered.

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

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

The Commission finds:

(1) Good cause has been shown for accepting for filing Union Texas' supplemental agreement and Reserve's contract amendment, as set forth above, and for permitting such supplements to become effective on the dates indicated in the "Effective Date" column listed above.

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

The Commission orders:

(A) Supplement No. 12 to Union Texas' FPC Gas Rate Schedule No. 18, and Supplement No. 11 to Reserve's FPC Gas Rate Schedule No. 24, are accepted for filing and permitted to become effective on April 3, 1969 (Union Texas), and April 6, 1969 (Reserve), the expiration dates of the statutory notice.

[50] Designated as Supplement No. 12 to Union Texas' FPC Gas Rate Schedule No. 18.
[51] Designated as Supplement No. 11 to Reserve's FPC Gas Rate Schedule No. 24.

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

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

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

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 14, 1969.

By the Commission.

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

[F.R. Doc. 69-3857; Filed, Apr. 4, 1969; 8:45 a.m.]

[Docket No. G-8785 etc.]

JAMES E. KEMP ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 26, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 24, 1969.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-8785 E 3-12-69	James E. Kemp et al. (successor to Four States Drilling Co., Inc., et al.), Mercantile Bank Bldg., Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., North Scottsville Field, Harrison County, Tex.	12.6324	14.65
G-15987 (G-17024) C and D 3-14-69 and 11-2-60 [1]	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	El Paso Natural Gas Co., Bisti Field, San Juan County, N. Mex.	13.0	15.025
G-16546 C 3-13-69	Skelly Oil Co. (Operator) et al., Post Office Box 1650, Tulsa, Okla. 74102.	do	14.0678	15.025
G-17024 (G-19587) C and D 7-29-60 and 10-10-60 [1]	Phillips Petroleum Co. (Operator) et al., Bartlesville, Okla. 74003.	do	13.0	15.025
G-17548 C 3-13-69	Skelly Oil Co.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	13.0435	15.025
CI61-516 D 3-14-69	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102 (partial abandonment).	Michigan Wisconsin Pipe Line Co., Putnam Field, Dewey County, Okla.	Uneconomical	
CI61-1024 C 3-14-69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, North Custer City Field, Custer County, Okla.	[3] 17.5369	14.65
CI62-230 D 3-14-69	Mobil Oil Corp. (partial abandonment).	Arkansas Louisiana Gas Co., West Marlow Field, Stephens County, Okla.	(4)	
CI63-489 C 3-17-69	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Michigan Wisconsin Pipe Line Co., West Chester Field, Woodward County, Okla.	[5] 17.0	14.65
CI63-1509 C&D 3-13-69	Shell Oil Co.	South Texas Natural Gas Gathering Co., McAllen Ranch Area, Hidalgo County, Tex.	17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI64-587 E 3-17-69	Midhurst Oil Corp. (successor to Cameron Petroleum Corp.), 1630 Bank of the Southwest Bldg., Houston, Tex. 77002.	Cities Service Gas Co., acreage in Woods and Woodward Counties, Okla.	13.0	14.65
CI66-377 3-19-69 [2]	Sierra Trading Corp. (Operator) et al. (formerly Wind River Drilling Co. (Operator) et al.), Post Office Box 199, Casper, Wyo. 82601.	Kansas-Nebraska Natural Gas Co., Inc., North Shawnee-Flat Top Field, Converse County, Wyo.	15.0	15.025
CI66-942 C 3-12-69	Pan American Petroleum Corp. (Operator) et al.	Northern Natural Gas Co., North Salon Field, Ellis County, Okla.	[6] 15.55	14.65
CI66-1077 C 3-13-69	John C. Oxley et al., 800-A Enterprise Bldg., Tulsa, Okla. 74103.	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg and Latimer Counties, Okla.	[7] 15.0	14.65
CI67-717 E 3-12-69	Midhurst Oil Corp. et al. (successor to Cameron Petroleum Corp. et al.).	Northern Natural Gas Co., Gate Lake (North) Field, Harper County, Okla.	17.0	14.65
CI69-49 (CI67-90) C 3-13-69 [8]	John C. Oxley	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	[7] 15.0	14.65
CI69-834 B 3-5-69	Mobil Oil Corp.	United Gas Pipe Line Co., Monroe Field, Ouachita Parish, La.	Depleted	
CI69-859 A 3-11-69	McMoRan Properties, Inc., 1012 Pere Marquette Bldg., New Orleans, La. 70112.	Southern Natural Gas Co., Diamond Field Area, Plaquemines Parish, La.	[9] 20.0	15.025
CI69-860 (G-19616) F 3-10-69	Jerome P. McHugh et al. (successor to Mobil Oil Corp.), 930 Petroleum Club and Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., San Juan Basin, Dakota and Gallup Fields, Rio Arriba County, N. Mex.	[10] 14.0505	15.025
CI69-861 (G-4547) F 3-10-69	Jerome P. McHugh et al. (successor to Sinclair Oil & Gas Co.).	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	13.0	15.025
CI69-862 A 3-12-69	Gas Marketing, Inc., c/o James W. Williams, attorney, Box 1567, Ardmore, Okla. 73401.	Panhandle Eastern Pipe Line Co., acreage in Kiowa County, Kans.	16.0	14.65
CI69-863 B 3-13-69	Shell Oil Co.	Southern Natural Gas Co., Loisel Field, Iberia and St. Mary Parishes, La.	Depleted	
CI69-864 A 3-14-69	Ashland Oil & Refining Co.	Michigan Wisconsin Pipe Line Co., North Freedom Field, Woods County, Okla.	[5] 17.0	14.65
CI69-865 A 3-14-69	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Arkansas Louisiana Gas Co., Cedar Springs Field, Upshur County, Tex.	[11] 13.4001	14.65
CI69-866 A 3-13-69	Stonehenge Oil Co., Inc., (Operator) et al., c/o Robert Earl McCormack, agent, 3007 South 94th East Ave., Tulsa, Okla. 74129.	Kansas-Nebraska Natural Gas Co., Inc., Madden Field, Fremont and Natrona Counties, Wyo.	[12] 15.75	14.65
CI69-867 A 3-14-69	Highland Resources, Inc., c/o J. L. Bianchi, attorney, 1201 San Jacinto Bldg., Houston, Tex. 77002.	Trunkline Gas Co., South-Timbalier Area, Offshore La.	[13] 21.25	15.025
CI69-868 A 3-13-69	Clearfield Trust Co., agent for Marie Cole Berger et al., 11 North Second St., Clearfield, Pa. 16830.	Consolidated Gas Supply Corp., Driftwood Field, Cameron County, Pa.	27.5	15.325
CI69-869 B 3-17-69	Milton S. Yunker (Operator) et al., 1520 Sweeney St., Owensboro, Ky. 42301.	Texas Gas Transmission Corp., Sugar Creek Field, Hopkins County, Ky.	Depleted	
CI69-870 B 3-14-69	Mobil Oil Corp.	Panhandle Eastern Pipe Line Co., Hugoton Field, Seward County, Kans.	Depleted	
CI69-872 A 3-17-69	Stonestreet Oil & Gas Co., Box 350, Spencer, W. Va. 25276.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	27.0	15.325
CI69-873 B 3-17-69	Phillips Petroleum Co.	Texas Eastern Transmission Corp., Willow Springs Field, Gregg County, Tex.	Depleted	

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-874..... B 3-17-69	E. G. Thompson, 586 Gulf Building Addition, Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Fairbanks Field, Harris County, Tex.	(10)	.....
CI69-875..... B 3-17-69	Shell Oil Co.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Atchafalaya Bay (Deep) Field, St. Mary and Terrebonne Parishes, La.	Depleted	.....
CI69-876..... A 3-17-69	R. C. Wynn, 1525 Republic Bank Bldg., Dallas, Tex. 75201.	El Paso Natural Gas Co., Blanco Mesa Verde Pool, San Juan County, N. Mex.	13.0	15.025
CI69-877..... A 3-17-69	do.....	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
CI69-878..... A 3-18-69	Nielson Enterprises, Inc., Post Office Box 370, Cody, Wyo. 82414.	Michigan Wisconsin Pipe Line Co., North West Quinlan Field, Woodward County, Okla.	[8] 19.5	14.65
CI69-879..... A 3-18-69	Mareve Oil Corp., Post Office Box 1228, Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., Lincoln District, Tyler County, W. Va.	25.0	15.325

[1] Add and delete acreage pursuant to an exchange agreement between Shell Oil Co. and Phillips Petroleum Co.
[2] Includes 0.5369 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[3] Gas can not be delivered at sufficient pressure to enter Buyer's line.
[4] Plus B.t.u. adjustment.
[5] Amendment to certificate filed to reflect change in corporate name.
[6] Includes 2.55 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[7] Applicant agrees to accept certificate conditioned to 15 cents per Mcf.
[8] Adds acreage acquired from Amax Petroleum Corp., Docket No. CI67-90.
[9] Seller pays 1.5 cents per Mcf for transportation of plant volume reduction.
[10] Rate effective subject to refund in Docket No. RI67-273. An increase in rate to 15.0541 cents has been suspended in Docket No. RI68-430.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Subject to deduction for compression and sweetening charge.
[13] Includes 0.75 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[14] If compression is necessary and not done by Seller, Buyer may do so and charge 1 cent per Mcf per stage.
[15] Leases dedicated to the subject contract have expired and have reverted back to the lessor.
[16] Contract provides for base rate of 19.5 cents per Mcf; however, Applicant states its willingness to accept certificate at 17 cents per Mcf, subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 69-3858; Filed, Apr. 4, 1969; 8:45 a.m.]

[Docket No. RI69-546]

H. L. HUNT

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates, and Accepting Other Rate Filings

MARCH 28, 1969.

On January 23, 1969, H. L. Hunt (Hunt) filed with the Commission two proposed changes in rates, among others, designated as Supplement Nos. 10 and 9 to Hunt's FPC Gas Rate Schedule Nos. 27 and 28, respectively, which pertain to Hunt's jurisdicitional sales of natural gas from the Amacker-Tippett Field, Upton County, Tex. (Railroad District No. 7-C) (Permian Basin Area) to El Paso Natural Gas Co. and Pecos Co. (El Paso). The Commission by order issued February 19, 1969, in Docket No. RI69-546, suspended for 5 months Hunt's rate filings until July 23, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On February 28, 1969, Hunt tendered for filing a letter agreement dated November 6, 1968, proposing to change delivery of the gas from the Barnett-Amacker No. 2 Gas Well (covered by the high pressure gas contract with El Paso designated as Hunt's FPC Gas Rate Schedule No. 27) from El Paso's high pressure gathering system to El Paso's low pressure gathering system and provide for payment for the gas under the pricing provisions of the low pressure gas contract with El Paso (Hunt's FPC Gas Rate Schedule No. 28). The effective date of the change in delivery is November 1, 1968, and Hunt proposes to decrease the current rate of 15.64 cents (applicable area ceiling rate for gas produced under the high pressure contract) for gas from the subject well to 12.51 cents, the applicable area ceiling rate for gas produced under Hunt's low pressure contract, effective as of November 1, 1968. Concurrently, Hunt filed a rate increase from 12.51 cents to 15.2025 cents per Mcf for the subject gas, which is the current suspended rate for gas sold under the low pressure contract. Hunt's rate filings are set forth in Appendix A hereof.

An increased rate of 15.2025 cents for the low pressure contract was suspended in Docket No. RI69-546 until July 23, 1969. Under the circumstances, we believe that it would be in the public interest to suspend Hunt's proposed 15.2025 cents per Mcf rate increase, designated as Supplement No. 13 to Hunt's FPC Gas Rate Schedule No. 27, in Docket No. RI69-546, for the same period (July 23, 1969) as the original rate filing relating to low pressure gas.

We shall also accept Hunt's letter agreement and related rate decrease, designated as Supplement Nos. 11 and 12 to Hunt's FPC Gas Rate Schedule No. 27, to become effective as of November 1, 1968, the effective date of the letter agreement.

The Commission orders:

(A) The suspension order issued February 19, 1969, in Docket No. RI69-546, is amended so as to suspend the proposed rate increase, designated as Supplement No. 13 to Hunt's FPC Gas Rate Schedule No. 27, for the same period (July 23, 1969) presently in effect in said docket for Hunt's earlier filing under the low pressure contract.

(B) Hunt's letter agreement dated November 6, 1968, and related rate decrease designated as Supplement Nos. 11 and 12 to Hunt's FPC Gas Rate Schedule No. 27, are accepted effective as of November 1, 1968.

(C) In all other respects, the order issued by the Commission on February 19, 1969, in Docket No. RI69-546, shall remain unchanged and in full force and effect.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-546..	H. L. Hunt, 1401 Elm St., Dallas, Tex. 75202. Attention: Donald K. Young, Esq.	27	[1] 11	El Paso Natural Gas Co. and Pecos Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	.....	[2] 2-28-69	[3] 11-1-68	(Accepted)	.....	.....	.....
		27	12		Decrease $31.	[2] 2-28-69	[3] 11-1-68	(Accepted)	[4] 15.64	[4] 12.51	
		27	13		Increase $27.	[2] 2-28-69	[7] 3-31-69	(Accepted, subject to refund).	12.51	[5] [6] 15.2025	

[1] Letter agreement dated Nov. 6, 1968, which changes delivery of gas from the Barnett Amacker No. 2 gas well from a high pressure gathering system to a low pressure gathering system and provides for payment under the terms of a casinghead gas contract (H. L. Hunt FPC Gas Rate Schedule No. 28).
[2] Additional information obtained by telephone calls made on Mar. 6, 19, and 20, 1969.
[3] The stated effective date is the effective date of letter agreement.
[4] Decrease from applicable area ceiling rate for high pressure gas to applicable area ceiling rate for gas produced at low pressure from the Barnett No. 2 Well.
[5] Pressure base is 14.65 p.s.i.a.
[6] Rate of 16.7228 cents suspended in Docket No. RI69-546 until July 23, 1969.
[7] The stated effective date is the first day after expiration of the statutory notice.
Increase from applicable area ceiling rate to contract rate.

[F.R. Doc. 69-4011; Filed, Apr. 4, 1969; 8:45 a.m.]

[Docket No. RI69-658, etc.[1]]

BANQUETE GAS CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, Allowing Rate Change To Become Effective Subject to Refund, Permitting Withdrawal of Rate Supplements, Severing and Terminating Rate Suspension Proceedings

MARCH 28, 1969.

On February 28, 1969, Banquete Gas Co., a division of Crestmont Oil & Gas Co. (Banquete)[2] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

Description: Notice of change, dated February 26, 1969.
Purchaser and producing area: United Gas Pipe Line Co. (Spartan and Odem Fields, San Patricio County, Tex.) (R.R. District No. 4).
Rate schedule designation: Supplement No. 6 to Banquete's FPC Gas Rate Schedule No. 2.
Effective date: March 31, 1969.[3]
Amount of annual increase: $6,195.
Effective rate: 13.1664 cents per Mcf.[4 5]
Proposed rate: 14 cents per Mcf.[5 6]
Pressure base: 14.65 p.s.i.a.

Banquete requests that its proposed rate increase be permitted to become effective as of March 9, 1969, the contractually due date. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Banquete's rate filing and such request is denied.

Banquete proposes an increase in rate, from 13.1664 cents to 14 cents per Mcf under its FPC Gas Rate Schedule No. 2, for gas sold to United Gas Pipe Line Co. (United) in the Spartan and Odem Fields, San Patricio County, Tex. (Railroad District No. 4). The proposed 0.8336 cent increase, considered a "fractured" rate increase since Banquete is contractually entitled to 15.1920 cents, amounts to $6,195 annually. Although the proposed rate of 14 cents per Mcf does not exceed the area ceiling for Texas Railroad District No. 4 as announced in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56), it should be suspended since Banquete did not submit a waiver of its right to file for the remaining increment of its contractually due rate. Banquete has advised that it does not wish to submit such a waiver. Consistent with prior Commission action on similar "fractured" rate increases, we conclude that Banquete's proposed rate increase should be suspended for 1 day from March 31, 1969, the expiration date of the statutory notice.

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

Banquete's sales under its Rate Schedule Nos. 1 and 2 were permanently certificated at initial rates of 12.1536 cents and 13.1664 cents, respectively. Increases of 0.185 cent to reflect partial reimbursement of the Dedicated Reserve Tax were filed under the above rate schedules[7] and such reimbursement increases became effective, subject to refund, in Docket No. RI62-388 on April 15, 1962. Subsequent increases[8] in the applicable reimbursement of the Dedicated Reserve Tax, from 0.185 cent to 0.255 cent under Banquete's Rate Schedule No. 1 and from 0.185 cent to 0.2375 cent under Rate Schedule No. 2, became effective, subject to refund, in Docket No. RI64-7 on July 13, 1963. These increases were suspended because of the questionable validity of the subject tax. Both Dockets Nos. RI62-388 and RI64-7 were consolidated in the Texas Gulf Coast Area Rate Proceeding, Docket No. AR64-2. On February 4, 1964, the Supreme Court of Texas declared the Dedicated Reserve Tax unconstitutional and United discontinued payment of such tax reimbursement. Banquete had previously submitted a letter dated May 15, 1964, from United acknowledging receipt of refund amounts paid by Banquete relative to the invalidation of the Texas Dedicated Reserve Gas Tax that was being collected subject to refund under its FPC Gas Rate Schedule Nos. 1 and 2.

Since the amounts collected subject to refund have been refunded, we believe that it would be in the public interest that the Commission, on its own motion, terminate the rate proceedings in Dockets Nos. RI62-388 and RI64-7 and consider the related increases as being withdrawn. Dockets Nos. RI62-388 and RI64-7 should also be severed from the Texas Gulf Coast Area Rate Proceeding, Docket No. AR64-2.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 6 to Banquete's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

(2) Good cause exists for the withdrawal of Supplement Nos. 2 and 3 to Banquete's FPC Gas Rate Schedule No. 1, and Supplement Nos. 4 and 5 to Banquete's FPC Gas Rate Schedule No. 2, and for severing and terminating the related rate suspension proceedings in Dockets Nos. RI62-388 and RI64-7.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Banquete's FPC Gas Rate Schedule No. 2.

(B) Supplement Nos. 2 and 3 to Banquete's FPC Gas Rate Schedule No. 1 and Supplement Nos. 4 and 5 to Banquete's FPC Gas Rate Schedule No. 2 are deemed to be withdrawn and the suspension proceedings in Dockets Nos. RI62-388 and RI64-7 are severed from the Texas Gulf Coast Area Rate Proceeding in Docket No. AR64-2 and terminated.

(C) Pending such hearing and decision thereon, Supplement No. 6 to Banquete's FPC Gas Rate Schedule No. 2 is hereby suspended and the use thereof deferred until April 1, 1969, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Banquete, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Banquete shall execute and file under Docket No. RI69-658, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon United Gas Pipe Line Co., the purchaser. Unless Banquete is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[9]

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

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[1] Dockets Nos. RI62-388 and RI64-7 are consolidated with the Texas Gulf Coast Area Rate Proceeding, Docket No. AR64-2.

[2] Address is: 2622 Mission St., San Marino, Calif. 91108.

[3] The stated effective date is the first day after expiration of the statutory notice.

[4] Subsequent increases to 13.3514 cents and 13.4639 cents per Mcf reflecting reimbursement by United of the Texas Dedicated Reserve Tax were collected subject to refund in Dockets Nos. RI62-388 and RI64-7, respectively. Such tax was ultimately invalidated and United ceased reimbursement of the tax.

[5] Subject to a downward B.t.u. adjustment.

[6] "Fractured" rate increase. Contractually due 15.1920 cents (15 cents base rate plus 0.1920 cent tax reimbursement) for the 10-year period commencing Mar. 9, 1969.

[7] Supplement Nos. 2 and 4 to Banquete's FPC Gas Rate Schedule Nos. 1 and 2, respectively.

[8] Supplement Nos. 3 and 5 to Banquete's FPC Gas Rate Schedule Nos. 1 and 2, respectively.

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

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before May 15, 1969.

By the Commission.

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

[F.R. Doc. 69-4012; Filed, Apr. 4, 1969; 8:48 a.m.]

[Dockets Nos. CP68-231, CP68-253]

COLUMBIA OFFSHORE PIPELINE CO. AND COLUMBIA GULF TRANSMISSION CO.

Notice of Petition To Amend, Second Amendment to Application, and Withdrawal of Application

MARCH 28, 1969.

Take notice that on March 20, 1969, Columbia Gulf Offshore Pipeline Co. (Columbia Offshore), 915 Coolidge Boulevard, Lafayette, La. 70501, and Columbia Gulf Transmission Co. (Columbia Gulf), Post Office Box 683, Houston, Tex. 77001, filed in Docket No. CP68-231 a joint petition to amend the order issued in that docket on March 6, 1969, by substituting Columbia Gulf for Columbia Offshore as the certificate holder in that docket to construct and operate the facilities certified by the aforementioned order of March 6, 1969. The two companies also filed a second amendment to the application in Docket No. CP68-231 requesting that Columbia Gulf become the Applicant for the Phase I facilities in that docket insofar as the proper representations may require. Concurrently with the aforementioned filings, Columbia Gulf filed a notice of withdrawal of application in Docket No. CP68-253. The proposals of the parties are more fully set forth in the documents which are on file with the Commission and open to public inspection.

By the aforementioned joint petition to amend, the parties request that the Commission substitute Columbia Gulf for Columbia Offshore as the certificate holder in Docket No. CP68-231 of the Phase I facilities authorized by the order issued in that docket on March 6, 1969, namely, 43.2 miles of 30-inch onshore pipeline from the Pecan Island Field, Vermillion Parish to Egan, La.

Columbia Gulf by its filing of the second amendment to the application in Docket No. CP68-231 seeks to make all necessary representations in that docket for Phase I in lieu of representations heretofore made regarding that phase by Columbia Offshore. The Phase II facilities, those facilities to be constructed offshore, will still be constructed by Columbia Offshore.

The notice of the withdrawal of the application filed by Columbia Gulf in Docket No. CP68-253 results from the authorization of the Phase I facilities in Docket No. CP68-231 which, in turn, obviated the necessity of the construction of the facilities requested in Docket No. CP68-253.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 28, 1969.

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

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

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-4013; Filed, Apr. 4, 1969; 8:48 a.m.]

[Project 2656]

CORDOVA PUBLIC UTILITIES

Notice of Application for License for Unconstructed Project

MARCH 28, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Cordova Public Utilities, Post Office Box 20, Cordova, Alaska 99574, for unconstructed Project No. 2656, to be known as Power Creek Hydroelectric Project, to be located on Power Creek, about 4 miles upstream from its outlet into Eyak Lake, a tributary of the Gulf of Alaska, in the Third Judicial Division, near the city of Cordova, and affecting lands within the Chugach National Forest.

The proposed Power Creek Hydroelectric Project would consist of: (1) A 46-foot high, 1,180-foot long earth dam about 4 miles upstream of Eyak Lake; (2) an overflow type spillway cut in rock at the right abutment of the dam together with an outlet works; (3) a 1-mile long reservoir with normal maximum water surface elevation at 442 feet (mean sea level datum); (4) a conduit system consisting of a 720-foot long tunnel, a 5,031-foot long steel pipeline, a surge tank, and a 782-foot long steel penstock; (5) a powerhouse containing two 1,250 kw generating units with provision for the addition of a third unit; (6) a 3,000 kva substation and 7½ mile transmission line to Cordova; and (7) appurtenant facilities. A boat launching and picnicking area is proposed at the reservoir.

A preliminary permit for the proposed project was issued under the Federal Power Act to Cordova Public Utilities on December 10, 1968 for a period of 24 months, effective as of December 1, 1968. No project construction was authorized by the permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-4014; Filed, Apr. 4, 1969; 8:48 a.m.]

[Docket No. CP69-247]

DECATUR COUNTY, GA., AND SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

MARCH 28, 1969.

Take notice that on March 21, 1969, Decatur County, Ga. (Applicant), Bainbridge, Ga. 31717, filed in Docket No. CP69-247 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing South Georgia Natural Gas Co. (Respondent), Post Office Box 1279, Thomasville, Ga. 31792, to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant the volumes of natural gas required for distribution in the Decatur County Industrial Air Park, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant proposes to construct and operate a gas distribution system in the Decatur County Industrial Air Park, and that it estimates its peak day requirements at 343 Mcf, 358 Mcf, and 374 Mcf (14.73 p.s.i.a.) for the first, second, and third years respectively, and its annual requirements at 35,253 Mcf, 36,959 Mcf, and 38,665 Mcf (14.73 p.s.i.a.) for the first, second, and third years respectively.

Applicant estimates the total cost of its proposed project at $78,800.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 25, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4015; Filed, Apr. 4, 1969; 8:48 a.m.]

[Docket No. E-7473]

MISSISSIPPI POWER & LIGHT CO.

Notice of Application

APRIL 1, 1969.

Take notice that on March 24, 1969 Mississippi Power & Light Co. (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing it to acquire certain electric transmission facilities from Magnolia Electric Power Association (Association).

Applicant is incorporated under the laws of the State of Mississippi with its principal business office at Jackson, Miss., and is engaged in the electric utility business in parts of 45 of the 82 counties in the State.

The Association is an electric power association organized under the laws of Mississippi and owns and operates other facilities for the transmission, distribution and sale of electric energy at retail.

The Applicant proposes, subject to regulatory approval, to perform its agreement of August 22, 1968, with the Association to construct for the account of Association, to lease, operate, maintain, and to purchase at the end of 10 years (or earlier) approximately 7.95 miles of 115-kv. transmission line to be located in Pike and Walthall Counties, Miss.

Applicant will pay an annual lease rental equal to 2½ percent of the original cost of said line and will make ten annual payments each equal to 7½ percent of said cost toward the purchase of the line. Upon the completion of said ten payments Association will convey title of said line to the Applicant.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3982; Filed, Apr. 4, 1969; 8:45 a.m.]

[Docket No. CP69-248]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

APRIL 1, 1969.

Take notice that on March 24, 1969, Panhandle Eastern Pipe Line Co. (Applicant), 3000 Bissonnet, Houston, Tex. 77001, filed in Docket No. CP69-248 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing with the date of issuance, and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which may be available in the area of Applicant's existing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of the instant application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas coextensive with its system.

Applicant states that the total cost of the proposed facilities, which may include gathering lines, lateral lines, valves, metering facilities, compressor stations, and treatment facilities, will not exceed a cost of $2 million and no single project would exceed a cost of $500,000. Applicant proposes to finance this through funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 28, 1969.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3983; Filed, Apr. 4, 1969; 8:45 a.m.]

[CI66-1056, etc.]

RIVER CORP.

Notice of Petition To Amend

APRIL 1, 1969.

River Corp. (formerly Natural Gas and Oil Corp.), CI66-1056, CI66-1057, CI66-1058, CI66-1059, CI66-1060, CI66-1062, CI66-1063, CI66-1064, CI66-1065, CI66-1066, CI66-1068, CI66-1069, CI66-1070.

Take notice that on March 7, 1969, as amended March 18, 1969, River Corp., 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CI66-1056 et al., a petition to amend the order issuing certificates of public convenience and necessity to Natural Gas and Oil Corp., by changing the name of the certificate holder to River Corp., to reflect a change in corporate name, with no change in corporate structure, effective November 26, 1968, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant further requests that its FPC Gas Rate Schedule No. 11 and the related certificate in Docket No. CI66-1066 be amended to reflect Texas Gas Transmission Corp. as purchaser in lieu of Consolidated Gas Supply Corp., pursuant to an assignment dated December 10, 1968, wherein Consolidated Gas Supply Corp. assigned its interest under said contract to Texas Gas Transmission Corp.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 25, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3984; Filed, Apr. 4, 1969; 8:45 a.m.]

[Docket No. CP67-286]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND UNITED GAS PIPE LINE CO.

Notice of Petition To Amend

APRIL 1, 1969.

Take notice that on March 24, 1969, Transcontinental Gas Pipe Line Corp. (Transco), 3100 Travis Street, Houston, Tex. 77001, and United Gas Pipe Line Co. (United), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP67-286 a petition to amend the certificate of public convenience and necessity issued in this docket July 24, 1967, to authorize an additional delivery point, all as more fully set forth in the petition on file with the Commission and open to public inspection.

The order of July 24, 1967, authorized the construction of certain facilities and the exchange of gas between Transco and United. Presently, Transco and United state, Transco is receiving substantially all its deliveries under this agreement at a point on its Southwest Louisiana lateral. Transco states it needs the capacity of this line for other purposes and would prefer to receive its exchange gas from United at Transco's Compressor Station No. 062 in Terrebonne Parish, La. No other change in the exchange is proposed.

Transco estimates the total cost of facilities it would construct to carry out

the proposed exchange at $58,200; United estimates the cost of its proposed facilities at $13,300.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 28, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3985; Filed, Apr. 4, 1969; 8:45 a.m.]

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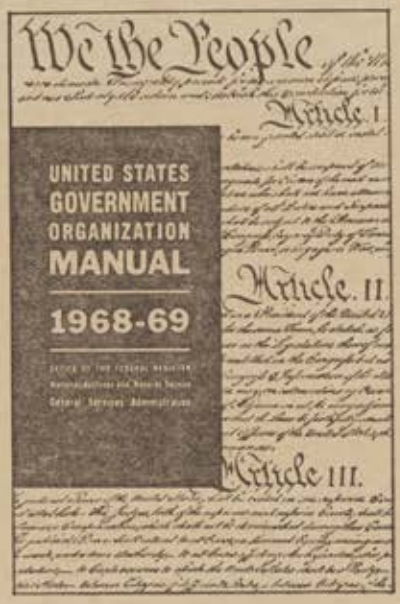

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