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**Agencies in this issue—**



**Detailed list of Contents appears inside.**

*Up-to-date Revision*

# PRINCIPAL OFFICIALS IN THE EXECUTIVE BRANCH

**Appointed January 20–April 20, 1969**

**A listing of about 350 appointments of key officials made after January 20, 1969. Serves as a supplement to the 1968–69 edition of the U.S. Government Organization Manual.**

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**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.**

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# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 9417; Amdt. No. 39-762]

### PART 39—AIRWORTHINESS DIRECTIVES

### BAC 1-11 Models 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD), modifying the retirement time for the flap links on BAC 1-11 Models 200 and 400 Series airplanes, was published in 34 F.R. 1955.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-475 (32 F.R. 12910) AD 67-27-3 is amended as follows:

1. Paragraph (a) is amended by striking out the number "12,000" in the second column and inserting the number "10,000" in the place thereof.

2. Paragraph (b) is amended by striking out the number "16,000" in the second column and inserting the number "12,000" in place thereof, and by striking out the number "12,000" in the third column and inserting the number "10,000" in place thereof.

3. The parenthetical statement at the end of the AD is amended by striking out the words "Issue 2" and inserting in lieu thereof the words "Issue 6".

This amendment becomes effective June 1, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

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

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

[F.R. Doc. 69-5250; Filed, May 1, 1969; 8:47 a.m.]

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SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-AL-3]

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

### Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the effective period of the Minchumina, Alaska, control zone.

The effective period of the Minchumina control zone is from 0745 to 1545 local time daily. It is necessary to reduce the effective period to 5 days per week because weather observations required to support the control zone designation will not be available on Monday and Tuesday of each week.

Since this amendment is necessary due to the lack of weather observations on Mondays and Tuesdays beginning on April 28, 1969, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective April 28, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Minchumina, Alaska, control zone is amended by deleting "from 0745 to 1545 hours, local time, daily," and substituting therefor "from 0745 to 1545 hours, local time, Wednesday through Sunday."

(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 Anchorage, Alaska, on April 21, 1969.

LYLE K. BROWN,
*Director, Alaskan Region.*

[F.R. Doc. 69-5251; Filed, May 1, 1969; 8:47 a.m.]

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[Airspace Docket No. 69-SO-21]

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

### Alteration of Control Zone and Transition Area

On March 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5336), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Columbus, Ga. (Lawson AAF), control zone and the Columbus, Ga., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Columbus, Ga. (Lawson AAF), control zone is amended to read:

COLUMBUS, GA. (LAWSON AAF)

Within a 5-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 2 miles each side of the 213° bearing from the Lawson RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; within 2 miles each side of the Lawson VOR 339° radial, extending from the 5-mile radius zone to 1 mile south of the Columbus LOM, excluding the portion within R-3002A.

In § 71.181 (34 F.R. 4637), the Columbus, Ga., transition area is amended to read:

COLUMBUS, GA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Muscogee County Airport (lat. 32°30'55" N., long. 84°56'25" W.); within a 9-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 8 miles southwest and 5 miles northeast of the Lawson ILS localizer southeast course, extending from the 9-mile radius area to 12 miles southeast of the Louvale RBN; within 8 miles southwest and 5 miles northeast of the Columbus VORTAC 149° and 329° radials, extending from the 8-mile and 9-mile radius areas to 12 miles northwest of the VORTAC, excluding the portion within R-3002A.

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

Issued in East Point, Ga., on April 23, 1969.

JAMES G. ROGERS,
*Director, Southern Region.*

[F.R. Doc. 69-5252; Filed, May 1, 1969; 8:47 a.m.]

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[Airspace Docket No. 69-SO-24]

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

### Designation and Alteration of Transition Areas

On March 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5337), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Marion, S.C., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat. 34°-11'00" N., long. 79°20'00" W.) for Marion County Airport was obtained from Coast and Geodetic Survey. Additionally, it was determined that the description, as proposed, could be misinterpreted and the extension to the Florence, S.C. control zone and transition area, predicated on the Florence VORTAC 052° radial, resulted in unnecessary dual designated airspace. It is necessary to alter the Marion transition area description by inserting the geographic coordinate for the

airport; redescribing the extension predicated on the Florence VORTAC 100° radial, and inserting the proviso to exclude the portion that coincides with the Florence transition area. It is also necessary to alter the Florence, S.C., transition area to revoke the extension predicated on the Florence VORTAC 052° radial.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

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

MARION, S.C.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marion County Airport (lat. 34°11'00" N., long. 79°20'00" W.); within 2 miles each side of the Florence VORTAC 100° radial, extending from the 6-mile radius area to the Florence VORTAC excluding the portion that coincides with the Florence transition area.

In § 71.181 (34 F.R. 4637), the Florence, S.C., transition area is amended to read:

FLORENCE, S.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Florence Municipal Airport (lat. 34°11'17" N., long. 79°43'28" W.).

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

Issued in East Point, Ga., on April 23, 1969.

JAMES G. ROGERS,
*Director, Southern Region.*

[F.R. Doc. 69-5253; Filed, May 1, 1969; 8:47 a.m.]

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SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9544; Amdt. 647]

## 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 | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Bergheim Int | SAT VOR (final) | Direct | 2600 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn# | 500-1 | 500-1 | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar available.
Procedure turn W side of crs, 355° Outbnd, 175° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'; over Mud Int or 4.1-mile DME Fix, R 175° on final 1500'.
Crs and distance, SAT VOR to airport, 175°—6.3 miles; Mud Int to airport, 175°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing VOR, turn left, climb to 3000' on R 158° within 20 miles or, when directed by ATC, turn left and climb, via SAT ILS NE crs, to 3000' within 20 miles, or climb via R 174° to 2500' within 20 miles.
Radar fix may be used in lieu of DME Fix.
#Descent below 1500' not authorized if position over Mud Int or 4.1-mile DME Fix R 175° not determined.
MSA within 25 miles of facility: 000°-360°—3100'.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., H-BVORTAC; Ident., SAT; Procedure No. VOR-1, Amdt. 16; Eff. date, 22 May 69; Sup. Amdt. No. VOR 1, Amdt. 15; Dated, 21 Jan. 67

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:

Big Spring, Tex.—Howard County, VOR 1, Amdt. 6, 3 July 1965 (established under Subpart C).
Gary, Ind.—Gary, VOR 1, Amdt. 3, 3 Apr. 1965 (established under Subpart C).
Griffith, Ind.—Griffith, VOR-1, Orig., 30 Mar. 1967 (established under Subpart C).
Pontiac, Mich.—Oakland-Pontiac, VOR 1, Amdt. 10, 2 July 1966 (established under Subpart C).
Pontiac, Mich.—Oakland-Pontiac, VOR 2, Amdt. 4, 2 July 1966 (established under Subpart C).

3. By amending § 97.17 of Subpart B 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. 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 | |
| FNT VOR | Dort Int | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| R 330°, FNT VOR CW | Hasler Int | Via 9-mile DME arc. | 2600 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-27# | 400-1 | 400-1 | 400-1 |
| R 220°, FNT VOR CCW | Hasler Int | Via 9-mile DME arc. | 2600 | A-dn | 800-2 | 800-2 | 800-2 |
| Hasler Int | Dort Int (final) | Direct | 1800 | | | | |
| PTK VOR | Hasler Int | Direct | 2700 | | | | |
| Hunter Int | Hasler Int | Direct | 2800 | | | | |
| Kings Mill Int | Hasler Int | Via PTK R 032° and LOC crs. | 2800 | | | | |

Procedure turn N side of crs, 091° Outbnd, 271° Inbnd, 2400' within 10 miles of Dort Int.
Minimum altitude over Dort Int on final approach crs, 1800'.
Crs and distance, Dort Int to airport, 271°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles of Dort Int, climb to 2100' on FNT ILS W crs and proceed to FNT LOM.
NOTE: Dual VOR receivers required.
#400-¾ authorized with operative HIRL except for 4-engine turbojets.

City, Flint; State, Mich.; Airport name, Bishop; Elev., 781'; Fac. Class., ILS; Ident., I-FNT; Procedure No. LOC (BC) Runway 27, Amdt. 1; Eff. date, 22 May 69; Sup. Amdt. No. Orig.; Dated, 11 Feb. 67

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SAT VOR | LOM | Direct | 3000 | T-dn* | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-12#% | 200-½ | 200-½ | 200-½ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

Radar available.
Procedure turn W side of NW crs, 303° Outbnd, 123° Inbnd, 3000' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at LOM, 2600'—5.9 miles; at MM, 1028'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 3000' on SAT VOR R 155° within 20 miles.
*RVR 2400' authorized Runways 3 and 12.
#500-½ required when glide slope not utilized.
%RVR 2400'. Descent below 1008' not authorized unless ALS is visible.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 809'; Fac. Class., ILS; Ident., I-ANT; Procedure No. ILS Runway 12R, Amdt. 11; Eff. date, 22 May 69; Sup. Amdt. No. ILS-12, Amdt. 10; Dated, 19 Nov. 66

4. By amending § 97.19 of Subpart B to amend radar procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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 a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 troller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Radar terminal area maneuvering sectors and altitudes | | | | | | | | | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | 2-engine or less | | More than 2-engine, more than 65 knots |
| From— | To— | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Condition | 65 knots or less | More than 65 knots | |
| As established by Amarillo ASR minimum altitude vectoring chart. | | | | | | | | | | | | | Surveillance approach | | |
| | | | | | | | | | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | | | | | | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | | | | | | | | | S-dn-21, 03, 13, 31#. | 400-1 | 400-1 | 400-1 |
| | | | | | | | | | | | | | 400-1 | 400-1 | 500-1¾ |
| | | | | | | | | | | | | A-dn | 800-2 | 800-2 | 800-2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runway 03.—Climb to 5000' and proceed to Amarillo VOR or, when directed by ATC, turn right and climb to 5000' proceeding out R 076° Amarillo VOR within 15 miles.
Runway 21.—Climb to 5000' and proceed to LOM or, when directed by ATC, turn left and climb to 5000', proceeding out R 076° Amarillo VOR within 15 miles.
Runway 13.—Turn left, climb to 5000' proceeding out R 076° Amarillo VOR within 15 miles.
Runway 31.—Turn right, climb to 5000' to Amarillo VOR, proceed out R 076° within 15 miles.
#Runway 3.—400-½ authorized with operative ALS, except for 4-engine turbojets.
#Runway 21.—400-¾ authorized with operative HIRL, except for 4-engine turbojets.

City, Amarillo; State, Tex.; Airport name, Amarillo Municipal; Elev., 3605; Facility, Amarillo Radar; Procedure No. Radar-1, Amdt. 6; Eff. date, 22 May 69; Sup. Amdt. No. Radar 1, Amdt. 5; Dated, 5 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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 a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | Within: | | Surveillance approach | | | |
| All directions | Radar site | 10 miles | *2200 | T-dn$ | 300-1 | 300-1 | 200-½ |
| 045° | 230° | 10-20 miles | *2000 | C-dn# | 500-1 | 500 1 | 500-1½ |
| 045° | 230° | 20-30 miles | *2100 | S-dn-12R, 30L | 400-1 | 400-1 | 400-1 |
| 230° | 045° | 15 miles | 2500 | 21,**# | 500-1 | 500-1 | 500-1 |
| 230° | 045° | 20 miles | 3000 | S-dn-3** | 800-2 | 800-2 | 800-2 |
| 230° | 045° | 30 miles | 3000 | A-dn | | | |

Bearings are from radar antenna site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 12R and 21—Climb to 3000' via SAT R 158° within 20 miles. Runways 3 and 30L—Climb to 3300' on R 353° SAT VOR within 8 miles.

*Radar control must provide 1000' vertical or 3-mile horizontal separation from the following obstructions: Towers 2049', 19 miles SE, 1190', 10.5 miles SE, 1329', 6.8 miles WSW, 1402', 6.5 miles S of airport.

**400-½ authorized Runway 12R and 500-½ authorized Runway 3 with operative ALS, except for 4-engine turbojets.

**400-¾ authorized for Runways 21 and 30L with operative HIRL, except for 4-engine turbojets.

$RVR 2400' authorized Runways 3 and 12R.

#Radar control must restrict descent to 1400' until aircraft is SE of 1120' water tower located 2.1 miles W of approach end of Runway 12R, and must restrict descent to 1400 until aircraft is NW of 1107' tower located 3.5 miles SE of approach end of Runway 30L.

City, San Antonio; State, Tex.: Airport name, San Antonio International: Elev., 808'; Facility, San Antonio Radar; Procedure No. Radar-1, Amdt. 13; Eff. date, 22 May 69; Sup. Amdt. No. Radar 1, Amdt. 12; Dated, 23 Sept. 67

5. 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: 4.9 miles after passing Bethesda Int/12-mile DME. |
| CTW VOR | Bethesda Int/12-mile DME | Direct | 3000 | Climb to 3000', left turn direct to AIR VORTAC and hold. |
| Intersection of V-59 and V-214 airways | Bethesda Int/12-mile DME | DR 045° and R 272° AIR VORTAC. | 3000 | |
| AIR VORTAC | Bethesda Int/12-mile DME (NOPT) | Direct | 3000 | Supplementary charting information: Hold E, 1 minute, right turns, 271° Inbnd. Runway 27, TDZ elevation, 1313'. |

Procedure turn N side of crs, 091° Outbnd, 271° Inbnd, 3000' within 10 miles of Bethesda Int/12-mile DME.
FAF, Bethesda Int/12-mile DME. Final approach crs, 271°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over Bethesda Int, 3000'.
MSA: 000°-360°—3100'.

NOTE: Use Wheeling, W. Va., altimeter setting.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-27 | 1820 | 1 | 507 | 1820 | 1 | 507 | 1820 | 1¼ | 507 | | NA | |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C | 1860 | 1 | 547 | 1860 | 1 | 547 | 1860 | 1½ | 547 | | NA | |
| A | Not authorized. | | | T 2-eng. or less—Standard. | | | | T over 2-eng.—Standard. | | | | |

City, Barnesville; State, Ohio: Airport name, Bradfield: Elev., 1313'; Facility, AIR; Procedure No. VOR Runway 27, Amdt. Orig.; Eff. date, 22 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: 5.1 miles after passing BGS VORTAC. |
| | | | | Climb to 4300' on BGS VORTAC R 141° within 20 miles. |

Procedure turn E side of crs, 321° Outbnd, 141° Inbnd, 4300' within 10 miles of BGS VORTAC.
FAF, BGS VORTAC. Final approach crs, 141°. Distance FAF to MAP, 5.1 miles.
Minimum altitude over BGS VORTAC, 4000'.
MSA: 000°-090°—3900'; 090°-270°—4100'; 270°-360°—4200'.

NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D |
|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | VIS |
| S-16 | 2940 | 1 | 376 | 2940 | 1 | 376 | 2940 | 1 | 376 | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | |
| C | 2940 | 1 | 376 | 3020 | 1 | 456 | 3020 | 1½ | 456 | NA |
| A | Standard. | | T 2-eng. or less—Standard. | | | | T over 2-eng.—Standard. | | | |

City, Big Spring; State, Tex.; Airport name, Howard County; Elev., 2564'; Facility, BGS; Procedure No. VOR Runway 16, Amdt. 7; Eff. date, 22 May 69; Sup Amdt. No. VOR 1, Amdt. 6; Dated, 2 July 65

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: 9.2 miles after passing CGT VORTAC. |
| Steamboat Int | CGT VORTAC | Direct | 2300 | Turn right, climbing to 2300' and proceed direct to CGT VORTAC. |
| Peotone VORTAC | Monee Int | Direct | 2300 | |
| Monee Int | CGT VORTAC (NOPT) | Direct | 2300 | Supplementary charting information: 2 chimneys, 823'—(1) 41°38'21"/87°24'25"; (2) 41°38'20"/87°24'23". Runway 2, TDZ elevation, 588'. |

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2300' within 10 miles of CGT VORTAC.
FAF, CGT VORTAC. Final approach crs, 046°. Distance FAF to MAP, 9.2 miles.
Minimum altitude over CGT VORTAC, 2300'; over Hammond Int, 1540'.
MSA: 090°-180°—2200'; 180°-270°—2400'; 270°-090°—3100'.
NOTES: (1) Radar vectoring. (2) Use Midway altimeter setting.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D |
|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | VIS |
| S-2 | 1540 | 1¼ | 952 | 1540 | 1¼ | 952 | 1540 | 1¼ | 952 | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | |
| C | 1540 | 1¼ | 949 | 1540 | 1¼ | 949 | 1540 | 1¼ | 949 | NA |
| | VOR/DME or VOR/NDB minimums: | | | | | | | | | |
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | |
| S-2 | 1160 | 1 | 572 | 1160 | 1 | 572 | 1160 | 1 | 572 | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | |
| C | 1160 | 1 | 569 | 1160 | 1 | 569 | 1160 | 1¼ | 569 | NA |
| A | Not authorized. | | T 2-eng. or less—Standard. | | | | T over 2-eng.—Standard. | | | |

City, Gary; State, Ind.; Airport name, Gary; Elev., 591'; Facility, CGT; Procedure No. VOR Runway 2, Amdt. 4; Eff. date, 22 May 69; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 3 Apr. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: 7.7 miles after passing CGT VORTAC. |
| R 156°, CGT VORTAC CW | R 264° CGT VORTAC (NOPT) | 7-mile DME Arc | 2300 | Climb to 2300' on R 084°, right turn and return to CGT VORTAC. |
| R 011°, CGT VORTAC CCW | R 264° CGT VORTAC (NOPT) | 7-mile DME Arc | 2300 | Supplementary charting information: 4 radio towers approximately 1.3 miles E of airport, positioned N and S; approximate coordinates—41°31'/87°24', 895'. Runway 8, TDZ elevation, 640'. |

Procedure turn S side of crs, 264° Outbnd, 084° Inbnd, 2300' within 10 miles of CGT VORTAC.
FAF, CGT VORTAC. Final approach crs, 084°. Distance FAF to MAP, 7.7 miles.
Minimum altitude over CGT VORTAC, 2300'; over 5-mile DME Fix, 1240'.
MSA: 045°-225°—2200'; 225°-315°—2400'; 315°-045°—3100'.
NOTES: (1) Radar vectoring. (2) Use Chicago Midway altimeter setting.
*Night visibility minimums 2 miles.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | D |
|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | VIS | VIS |
| S-8* | 1240 | 1 | 600 | 1240 | 1 | 600 | NA | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | | |
| C* | 1280 | 1 | 640 | 1280 | 1 | 640 | NA | NA |
| | VOR/DME Minimums: | | | | | | | |
| | MDA | VIS | HAT | MDA | VIS | HAT | | |
| S-8* | 1100 | 1 | 460 | 1100 | 1 | 460 | NA | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | | |
| C* | 1280 | 1 | 640 | 1280 | 1 | 640 | NA | NA |
| A | Not authorized. | | T 2-eng. or less—Standard. | | | | T over 2-eng.—Standard. | |

City, Griffith; State, Ind.; Airport name, Griffith; Elev., 640'; Facility, CGT; Procedure No. VOR Runway 8, Amdt. 1; Eff. date, 22 May 69; Sup. Amdt. No. VOR-1,Orig.; Dated, 30 Mar. 67

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: 4.9 miles after passing PTK VORTAC. |
| SVM VORTAC | PTK VORTAC | Direct | 2700 | Make left-climbing turn to 3000' and proceed to Dennis Int via SVM R 030°. Supplementary charting information: 1200' tower 2½ miles NW of airport. |
| FNT VORTAC | PTK VORTAC | Direct | 2700 | |
| Russell Int | PTK VORTAC (NOPT) | Direct | 1900 | |
| R 150°, PTK VORTAC CW | R 275°, PTK VORTAC | 8-mile Arc | 2700 | |
| R 035°, PTK VORTAC CCW | R 275°, PTK VORTAC | 8-mile Arc | 2700 | |
| 8-mile DME Arc | PTK VORTAC (NOPT) | PTK R 275° | 1900 | |

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 2200' within 10 miles of PTK VORTAC.
FAF, PTK VORTAC. Final approach crs, 119°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over PTK VORTAC, 1900'.
MSA: 045°-225°—2800'; 225°-045°—2000'.
NOTES: (1) Radar vectoring. (2) Use Detroit City altimeter setting when control zone not effective. (3) Circling MDA becomes 1600' when control zone not effective.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C | 1500 | 1 | 520 | 1500 | 1 | 520 | 1500 | 1½ | 520 | 1540 | 2 | 560 |
| A | Standard.# | | T 2-eng. or less—Standard. | | | | T over 2-eng.—Standard. | | | | | |

City, Pontiac; State, Mich.; Airport name, Oakland-Pontiac; Elev., 980'; Facility, PTK; Procedure No. VOR-1, Amdt. 11; Eff. date, 22 May 69; Sup. Amdt. No. VOR-1, Amdt. 10; Dated, 2 July 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: 4.3 miles after passing Keego Int. |
| SVM VORTAC | Keego Int | Direct | 2700 | Right climbing turn to 3000' and proceed direct to Dennis Int via SVM VORTAC R 030°. |
| PTK VORTAC | Keego Int | Direct | 2700 | |
| R 360°, PTK VORTAC CW | R 115°, PTK VORTAC | 17-mile Arc | 2800 | |
| R 235°, PTK VORTAC CCW | R 115°, PTK VORTAC | 17-mile Arc | 2800 | Supplementary charting information: |
| 17-mile DME Arc | Keego Int (NOPT) | Direct | 2400 | 1200' tower 2½ miles NW of airport. |
| Clawson Int | Keego Int | 360° crs 2.8 miles and PTK, R 115°. | 2400 | Runway 27, TDZ elevation, 976'. |

Procedure turn N side of crs, 115° Outbnd, 295° Inbnd, 2400' within 10 miles of Keego Int.
FAF, Keego Int. Final approach crs, 295°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over Keego Int, 2400'.
MSA: 000°–270°—2800'; 270°–000°—2500'.
NOTES: (1) Radar vectoring. (2) Use Detroit City altimeter setting when control zone not effective. Straight-in and circling MDA increased 100' when control zone not effective. (3) Inoperative component table does not apply to REILs Runway 27. (4) Dual VOR receivers; VOR/DME; or Radar Vectoring required.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-27 | 1400 | 1 | 424 | 1400 | 1 | 424 | 1400 | 1 | 424 | 1400 | 1 | 424 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C | 1500 | 1 | 520 | 1500 | 1 | 520 | 1500 | 1½ | 520 | 1540 | 2 | 560 |
| A | Standard.* | | T 2-eng. or less—Standard. | | | | T over 2-eng.—Standard. | | | | | |

City, Pontiac; State, Mich.; Airport name, Oakland-Pontiac: Elev., 980'; Facility, PTK; Procedure No. VOR Runway 27, Amdt. 5; Eff. date, 22 May 69; Sup. Amdt. No. VOR 2, Amdt. 4; Dated 2 July 66

**6. 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: 1.1 miles after passing HLR VOR |
| Belton Int | HLR VOR | Direct | 3000 | Climb to 3000', right turn direct to HLR VOR.<br>Alternate: Climb to 2500' on R 030° HLR VOR within 7 miles.<br>Supplementary charting information:<br>Right turn on missed approach must be executed in time to avoid R-6302.<br>UNICOM 122.8.<br>Antenna tower 1 mile E of airport 994'. |

Procedure turn E side of crs, 210° Outbnd, 030° Inbnd, 3000' within 10 miles of HLR VOR.
FAF, HLR VOR. Final approach crs, 030°. Distance FAF to MAP, 1.1 miles.
Minimum altitude over HLR VOR, 1500'.
MSA: 000°–360°—3000'.
NOTE: Use Fort Hood AAF altimeter setting.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D |
|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | VIS |
| C | 1300 | 1 | 454 | 1300 | 1 | 454 | 1340 | 1½ | 494 | NA |
| A | Not authorized. | | T 2-eng. or less—Standard. | | | | T over 2-eng.—Standard | | | |

City, Killeen; State, Tex.; Airport name, Killeen Municipal; Elev., 846'; Facility, HLR; Procedure No. VOR Runway 1, Amdt. 4; Eff. date, 22 May 69; Sup. Amdt. No. 3; Dated, 16 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: OKK VORTAC. |
| MZZ VOR | OKK VORTAC | Direct | 2400 | Climbing left turn to 2400' on OKK R 039° and return to VORTAC. |
| R 280°, OKK VORTAC CW | R 039°, OKK VORTAC | 8-mile Arc | 2400 | |
| R 160°, OKK VORTAC CCW | R 039°, OKK VORTAC | 8-mile Arc | 2400 | Supplementary charting information: |
| 8-mile Arc | OKK R 039°, 3-mile DME Fix (NOPT). | Direct | 1400 | Approach radial intercepts runway center-line at 3038'. TDZ elevation, 825'. LRCO, 122.1. |

Procedure turn E side of crs, 039° Outbnd, 219° Inbnd, 2400' within 10 miles of OKK VORTAC.
Final approach crs, 219°.
Minimum altitude over OKK, 039° 3-mile DME Fix with procedure turn, 1300'; without procedure turn, 1400'.
MSA: 000°–360°—2200'.
NOTES: (1) Radar vectoring. (2) Use Bunker Hill AFB altimeter setting, except for air carrier with approved weather reporting service.
§Standard alternate minimums authorized for air carrier with approved weather reporting service.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D |
|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | VIS |
| S-22 | 1300 | 1 | 475 | 1300 | 1 | 475 | 1300 | 1 | 475 | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | |
| C | 1300 | 1 | 473 | 1300 | 1 | 473 | 1300 | 1¼ | 473 | NA |
| | DME Minimums: | | | | | | | | | |
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | |
| S-22 | 1200 | 1 | 375 | 1200 | 1 | 375 | 1200 | 1 | 375 | |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | |
| C | 1260 | 1 | 433 | 1280 | 1 | 453 | 1280 | 1¼ | 453 | |
| A | Not authorized.§ | | T 2-eng. or less—Standard. | | | | T over 2-eng.—Standard. | | | |

City, Kokomo; State, Ind.; Airport name, Kokomo Municipal; Elev., 827'; Facility, OKK; Procedure No. VOR Runway 22, Amdt. 6; Eff. date, 22 May 69; Sup. Amdt. No. 5; Dated, 29 Aug. 68

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | TO— | Via | Minimum altitudes (feet) | MAP: OKK VORTAC. |
| 9-mile Arc | OKK R 129°, 3-mile DME Fix (NOPT). | Direct | 1500 | Climb to 2400', right turn to OKK VORTAC. |
| R 010°, OKK VORTAC CW | R 129°, OKK VORTAC | 9-mile Arc | 2400 | Supplementary charting information: |
| R 250°, OKK VORTAC CCW | R 129°, OKK VORTAC | 9-mile Arc | 2400 | Approach radial intercepts runway center-line at 2566'. TDZ elevation, 825'. LRCO, 122.1. |
| MZZ VOR | OKK VORTAC | Direct | 2400 | |

Procedure turn E side of crs, 129° Outbnd, 309° Inbnd, 2400' within 10 miles of OKK VORTAC.
Final approach crs, 309°.
Minimum altitude over OKK R 129°, 3-mile DME Fix with procedure turn, 1400'; without procedure turn, 1500'.
MSA: 000°–360°—2200'.
NOTES: (1) Radar vectoring. (2) Use Bunker Hill AFB altimeter setting, except for air carriers with approved weather reporting service.
§Standard alternate minimums authorized for air carrier with approved weather reporting service.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D |
|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | VIS |
| S-31 | 1400 | 1 | 575 | 1400 | 1 | 575 | 1400 | 1 | 575 | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | |
| C | 1400 | 1 | 573 | 1400 | 1 | 573 | 1400 | 1¼ | 573 | NA |
| | DME Minimums: | | | | | | | | | |
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | |
| S-31 | 1200 | 1 | 375 | 1200 | 1 | 375 | 1200 | 1 | 375 | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | |
| C | 1200 | 1 | 433 | 1280 | 1 | 453 | 1280 | 1¼ | 453 | NA |
| A | Not authorized.§ | | T 2-eng. or less—Standard. | | | | T over 2-eng.—Standard. | | | |

City, Kokomo; State, Ind.; Airport name, Kokomo Municipal; Elev., 827'; Facility, OKK; Procedure No. VOR Runway 31, Amdt. 8; Eff. date, 22 May 69; Sup. Amdt. No. 7; Dated, 29 Aug. 68

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: CXO NDB. |
| Conroe Int | CXO NDB | Direct | 1800 | Climb to 1800', right turn direct to CXO NDB and hold. |
| New Waverly Int | CXO NDB | Direct | 1800 | Supplementary charting information: |
| Cleveland Int | CXO NDB | Direct | 1800 | Hold NW, 1 minute, right turn, 140° Inbnd |
| | | | | TDZ elevation, 245'. |

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1800' within 10 miles of CXO NDB.
Final approach crs, 140°.
MSA within 25 miles of CXO NDB: 000°-360°—1800'.
NOTES: (1) Straight-in and circling MDA increased 190' when Montgomery County altimeter setting not received. (2) Runways 1/19 and 9/27 unlighted.
*Use Houston altimeter setting when Montgomery County altimeter setting not received.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D |
|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | VIS |
| S-14* | 660 | 1 | 415 | 660 | 1 | 415 | 660 | 1 | 415 | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | |
| C* | 660 | 1 | 413 | 700 | 1 | 453 | 700 | 1½ | 453 | NA |
| A | Not authorized. | | | T 2-eng. or less—Standard. | | | T over 2-eng.—Standard. | | | |

City, Conroe; State, Tex.; Airport name, Montgomery County; Elev., 247'; Facility, CXO; Procedure No. NDB (ADF) Runway 14, Amdt. 1; Eff. date, 22 May 69; Sup. Amdt. No. Orig.; Dated, 17 Oct. 68

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: PUC RBN. |
| PVU VOR | PUC NDB | Direct | 12,700 | Climbing right turn to 8500' Outbnd on 186° bearing from PUC NDB within 15 miles, then direct to PUC NDB and hold.** |
| GJT VOR | PUC NDB | Direct | 11,500 | Supplementary charting information: |
| | | | | **Hold S, 1 minute, right turns, 006° Inbnd. |
| | | | | Final approach crs intercepts runway centerline 3000' from threshold. |
| | | | | LRCO 123.6 KHz. |

Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 7600' within 10 miles of PUC NDB.
Final approach crs, 006°.
MSA: 110°-200°—10,300'; 200°-290°—12,200'; 290°-110°—11,400'.
NOTES: (1) Descent below 8500' not authorized until established Outbnd in procedure turn. (2) Procedure not authorized if Price, Utah, altimeter setting not available.
#Circling not authorized beyond 1 mile N of airport.
*Night minimums require prior notification.
%IFR departure procedures; All runways, climb on 186° PUC NDB within 10 miles to cross PUC NDB at MCA or above for direction of flight: Westbound direct to PVU VORTAC, 8,500'; eastbound direct to GJT VORTAC, 6500'.
**Final approach from holding pattern not authorized. Procedure turn required.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D |
|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | VIS |
| C*# | 6600 | 1 | 709 | 6600 | 1 | 709 | 6600 | 1½ | 709 | NA |
| A | Not authorized. | | | T 2-eng. or less—Standard.%# | | | T over 2-eng.—Standard.%# | | | |

City, Price; State, Utah; Airport name, Carbon County; Elev., 5891'; Facility, PUC; Procedure No. NDB (ADF) Runway 36, Amdt. 1; Eff. date, 22 May 69; Sup. Amdt. No. Orig.; Dated, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: 3.9 miles after passing SL LOM. |
| McCoy Int | SL LOM | Direct | 3200 | Climbing right turn direct to SL LOM, continue climb to 2500' on crs 129° from SL LOM within 10 miles. |
| Crabtree Int | SL LOM | Direct | 3800 | |
| CVO VOR | SL LOM | Direct | 3200 | |

Supplementary charting information:
LRCO.
Runway 31, TDZ elevation, 207'.
Chart Turner Int.
Nonstandard ALS.

#Procedure turn S side of crs, 129° Outbnd, 309° Inbnd, 2500' within 10 miles of SL LOM.
FAF, SL LOM. Final approach crs, 309°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over SL LOM, 1500'.
MSA: 000°–090°—6100'; 090°–180°—5800'; 180°–270°—4800'; 270°–360°—3900'.
NOTE: Final approach from holding pattern at SL LOM not authorized, procedure turn required. Inoperative table does not apply to approach lights Runway 31.
%IFR departure procedures: Takeoff Runways 31 and 34 turn right, Runway 16 turn left, climb direct to SL LOM before proceeding on crs.
#Procedure turn may commence at Turner Int.
*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-31* | 1000 | 1 | 793 | 1000 | 1¼ | 793 | 1000 | 1¼ | 793 | 1000 | 1¼ | 793 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C | 1000 | 1 | 793 | 1000 | 1¼ | 793 | 1000 | 1½ | 793 | 1000 | 2 | 793 |
| A | Standard. | | T 2-eng. or less—Runways 34, 31, and 13, Standard; Runway 16, 500-1.% | | | | T over 2-eng.—Runways 34, 31, and 13, Standard; Runway 16, 500-1.% | | | | | |

City, Salem; State, Oreg.; Airport name, McNary Field; Elev., 207'; Facility, SL; Procedure No. NDB (ADF) Runway 31, Amdt. 7; Eff. date, 22 May 69; Sup. Amdt. No. 6; Dated, 21 Nov. 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 551'; LOC 3.9 miles after passing SL LOM. |
| McCoy Int | SL LOM | Direct | 3200 | Climbing right turn to 2500' on SE crs of ILS within 10 miles of SL LOM. |
| Crabtree Int | Scio Int | Direct | 3000 | |
| Scio Int | SL LOM (NOPT) | Direct | **2000 | Supplementary charting information: |
| CVO VOR | Scio Int | Direct | 3000 | |

LRCO.
Runway 31, TDZ elevation, 207'.
Chart Turner Int.
Nonstandard ALS.

#Procedure turn S side of crs, 129° Outbnd, 309° Inbnd, 2500' within 10 miles of SL LOM.
FAF, SL LOM. Final approach crs, 309°. Distance FAF to MAP, 3.9 miles.
Glide slope interception altitude, 2000'.** Glide slope altitude at OM, 1490'; at MM, 438'.
Distance to runway threshold at OM, 3.9 miles; at MM, 0.6 mile.
MSA: 000°–090°—6100'; 090°–180°—5800'; 180°–270°—4800'; 270°–360°—3900'.
NOTE: Final approach from holding pattern at SL LOM not authorized, procedure turn required. Inoperative table does not apply to approach lights and HIRL Runway 31.
%IFR departure procedures: Takeoff Runways 31 and 34 turn right, Runway 16 turn left; climb direct to SL LOM before proceeding on crs.
#Procedure turn may commence at Turner Int.
*Sliding scale not authorized.
**1500' glide slope not used.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | DH | VIS | HAT | DH | VIS | HAT | DH | VIS | HAT | DH | VIS | HAT |
| S-31 | 551 | ¾ | 344 | 551 | ¾ | 344 | 551 | ¾ | 344 | 551 | ¾ | 344 |
| LOC: | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-31* | 920 | 1 | 713 | 920 | 1 | 713 | 920 | 1¼ | 713 | 920 | 1½ | 713 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C | 1000 | 1 | 739 | 1000 | 1¼ | 793 | 1000 | 1½ | 793 | 1000 | 2 | 793 |
| A | 800-2. | | T 2-eng. or less—Runways 34, 31, and 13, Standard; Runway 16, 500-1.% | | | | T over 2-eng.—Runways 34, 31, and 13, Standard; Runway 16, 500-1.% | | | | | |

City, Salem; State, Oreg.; Airport name, McNary Field; Elev., 207'; Facility, I-SLE; Procedure No. ILS Runway 31, Amdt. 10; Eff. date, 22 May 69; Sup. Amdt. No. 9; Dated, 30 Jan. 69

9. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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 a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna.

| From— | To— | Distance | Altitude | Distance | Altitude | Distance | Altitude | Distance | Altitude | Distance | Altitude | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| As established by Houston ASR minimum vectoring altitude chart. | | | | | | | | | | | | Descend aircraft to MDA after passing FAF 5-mile radius of La Porte Municipal Airport reference point. Supplementary charting information: 629' monument 5 miles NNW, 447' tower 3 miles NNW, 449' stack 3 miles S of La Porte Municipal Airport. Use Houston, Tex., altimeter setting. |

Missed approach: Climb to 1500' right or left turn direct to La Porte intersection and hold E, 1 minute, right turns, 262° Inbnd. Or when directed by ATC, climb to 2500' and proceed direct to HOU VORTAC.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D |
|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | VIS |
| C | 700 | 1 | 671 | 700 | 1 | 671 | 700 | 1 | 671 | NA |
| A | Not authorized. | | T 2-eng. or less—Standard. | | | | T over 2-eng.—Standard. | | | |

City, La Porte· State, Tex.; Airport name, La Porte Municipal; Elev., 29'; Facility, Houston Radar; Procedure No. Radar-1, Amdt. 2; Eff. date, 22 May 69; Sup. Amdt. No. 1; Dated, 31 Oct. 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 April 15, 1969.

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

[F.R. Doc. 69-4805; Filed, May 1, 1969; 8:45 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 213—EXCEPTED SERVICE

### Department of Agriculture

Section 213.3113 (a)(5) and (f)(5) of Schedule A, which cover a variety of field positions of a temporary, seasonal, or intermittent nature, are simplified and consolidated. When required, employment may be for up to 180 days in a service year, subject to extension to 220 days under emergency conditions. The consolidated authority includes positions at GS-7 under the General Schedule and WG-10 under the coordinated Federal wage system. Effective on publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (a) is amended and subparagraph (5) of paragraph (f) is revoked under § 213.3113 as set out below.

§ 213.3113 **Department of Agriculture.**

(a) *General.* * * *

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS-7 and WG-10 in the following types of positions: field assistants for subprofessional services; caretakers at temporarily closed camps or improved areas; field enumerators and supervisors; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; collectors of the Farmers Home Administration; 11 agricultural commodity aids (cotton) in the Consumer and Marketing Service; agricultural helpers, helper-leaders, and workers in the Agricultural Research Service; and, subject to prior Commission approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided:* That an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies, such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (i) and (m) of § 213.3102.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-5280; Filed, May 1, 1969; 8:49 a.m.]

# Title 7—AGRICULTURE

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

### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

## PART 722—COTTON

### Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton

*Basis and purpose.* This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is

to change the closing date for reapportionment of released acreage for all counties in Alabama.

Since planting of cotton is imminent, affected farmers need benefit of this amendment immediately. It is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing with the Director, Office of the Federal Register.

The Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton of Part 722, Subchapter B of Chapter VII, Title 7 (33 F.R. 895, 4451, 5532, 6705, 7564, 17346, and 19823, and 34 F.R. 924, 2351, and 5099) are hereby amended by amending the table in § 722.412(b)(7)(iv) by changing the closing dates for Alabama to read as follows:

**§ 722.412 Release and reapportionment of cotton allotments.**

* * * * *

(b) * * *

(7) *Closing dates.* * * *

(iv) * * *

| State | Closing date for release | Closing date for requests for reapportionment | Final date for reapportionment |
|---|---|---|---|
| Alabama | March 15 | March 15 | May 10. |

* * * * *

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1344, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 25, 1969.

KENNETH E. FRICK,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 69-5265; Filed, May 1, 1969; 8:47 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C-1514]

### PART 13—PROHIBITED TRADE PRACTICES

### GBM Corp. Trading as U.S. Construction Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.105 *Individual's special selection or situation;* § 13.155 *Prices:* 13.155–33 Demonstration reduction; 13.155–100 Usual as reduced, special, etc.; § 13.235 *Source or origin:* 13.235–50 Maker or seller, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1663 *Individual's special selection or situation;* § 13.1745 *Source or origin:* 13.1745–60 Maker or seller; Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, GBM Corp. trading as U.S. Construction Co. et al., Rockford, Ill., Docket C-1514, Apr. 3, 1969]

*In the Matter of GBM Corp., a Corporation, Trading and Doing Business as U.S. Construction Co., and Jesse D. Gregg and Del L. Young, Individually and as Officers of Said Corporation*

Consent order requiring a Rockford, Ill., home improvement corporation to cease falsely representing that prospects' homes are specially selected, that they will be used as model homes, that purchasers are granted special reduced prices, and that the firm is affiliated with the United States Steel Co.

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

*It is ordered,* That respondents GBM Corp., a corporation, trading and doing business as U.S. Construction Co., or under any other name or names, and its officers, and Jesse D. Gregg and Del L. Young, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, distribution or installation of residential aluminum or steel siding or other home improvement products or services, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the home of any of respondents' customers or prospective customers has been selected to be used or will be used as a model home, or otherwise, for advertising purposes.

2. Representing, directly or by implication, that any reduced price, allowance, discount, commission or other compensation is granted by respondents to purchasers in return for permitting or agreeing to allow the premises on which respondents' products are installed to be used for model homes or demonstration purposes.

3. Representing, directly or by implication, that any price for respondents' products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

4. Representing, directly or by implication, that respondents or their salesmen are connected or affiliated with the United States Steel Co.; or misrepresenting, in any manner, the identity of the manufacturer or the source of any of respondents' products or the business connections or affiliations of respondents or their salesmen.

5. Representing, directly or by implication, that any of respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; or making any direct or implied representation that any of respondents' products are guaranteed unless in each instance a written guarantee is given to the purchaser containing provisions fully equivalent to those contained in such representations.

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

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

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

Issued: April 3, 1969.

By the Commission.

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

[F.R. Doc. 69-5275; Filed, May 1, 1969; 8:48 a.m.]

[Docket No. C-1513]

### PART 13—PROHIBITED TRADE PRACTICES

### Gaiety Sportswear, Inc., and Eugene Zachary

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Gaiety Sportswear, Inc., et al., Queens, N.Y., Docket C-1513, Apr. 3, 1969]

*In the Matter of Gaiety Sportswear, Inc., a Corporation, and Eugene Zachary, Individually and as an Officer of Said Corporation*

Consent order requiring a New York City manufacturer of ladies' apparel to

cease misbranding its textile fiber products and failing to maintain required records.

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

*It is ordered,* That respondent Gaiety Sportswear, Inc., a corporation, and its officers, and Eugene Zachary, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

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

2. Failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

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

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

Issued: April 3, 1969.

By the Commission.

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

[F.R. Doc. 69-5276; Filed, May 1, 1969; 8:48 a.m.]

[Docket No. C-1512]

## PART 13—PROHIBITED TRADE PRACTICES

### Giant Television Co., Inc., and James A. Taylor

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing;* § 13.155 *Prices:* 13.155-5 Additional charges unmentioned. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices;* § 13.1905 *Terms and conditions;* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 5 U.S.C. 46 Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Giant Television Co., Inc., et al., Washington, D.C., Docket C-1512, Apr. 3, 1969]

*In the Matter of Giant Televison Co., Inc., a Corporation, and James A. Taylor, Individually and as an Officer of Said Corporation*

Consent order requiring a Washington, D.C., retailer of TV sets and other small appliances to cease falsely advertising the terms of its credit sales, failing to deliver copies of sales contracts to their customers, and failing to disclose that such contracts might be sold to a finance company.

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

*It is ordered,* That respondents Giant Television Co., Inc., a corporation, and its officers, and James A. Taylor, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of television sets, radios, stereos, radio/television/stereo combinations or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that a specific periodic consumer credit amount or installment amount can be arranged unless the respondents usually and customarily arrange credit payments or installments for that period and in that amount.

2. Failing or refusing to disclose the exact amount of the total purchase price of merchandise, including all interest, credit or service charges, at the time the contract for the sale of such merchandise is executed by the purchaser or purchasers.

3. Failing to orally disclose prior to the time of sale, and in writing on any conditional sale contract, or other instrument of indebtedness executed by a purchaser, and with such conspicuousness and clarity as is likely to be observed and read by such purchaser, that:

Any such instrument, at respondents' option and without notice to the purchaser, may be discounted, negotiated or assigned to a finance company or other third party to which the purchaser will thereafter be indebted and against which the purchaser's claims or defenses may not be available.

4. Failing or refusing to supply purchasers of respondents' merchandise with a copy of the executed conditional sale contract or other agreement at the time of execution by the purchaser.

5. Failing to deliver a copy of this order to cease and desist to all present and future employees engaged in the promotion and sale of respondents' merchandise or services, and failing to secure from each such employee a signed statement acknowledging receipt of said order.

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

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

Issued: April 3, 1969.

By the Commission.

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

[F.R. Doc. 69-5277; Filed, May 1, 1969; 8:48 a.m.]

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[Docket No. 8728]

## PART 13—PROHIBITED TRADE PRACTICES

### Jacoby-Bender, Inc., and William E. Stark

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1745 *Source or origin:* 13.1745-70 Place: 13.1745-70(c) Imported product or parts as domestic. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* 13.1900-35 Foreign product as domestic. Subpart—Using misleading name—Goods: § 13.2345 *Source or origin:* 13.2345-65 Place: 13.2345-65(a) Domestic product as imported.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Jacoby-Bender, Inc., et al., Queens County, N.Y., Docket 8728, Apr. 8, 1969]

*In the Matter of Jacoby-Bender, Inc., a Corporation, and William E. Stark, Individually and as a Former Officer of Said Corporation*

Consent order requiring a Queens County, N.Y., distributor of watchbands and identification bracelets to cease mislabeling its products as to the foreign origin of certain component parts.

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

*It is ordered*, That respondents Jacoby-Bender, Inc., a corporation, and its officers, and William E. Stark, individually and as a former officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of metal expansion watchbands or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing any such products which are substantially, or which contain a substantial part or parts, of foreign origin or fabrication without affirmatively disclosing the country or place of origin or fabrication thereof on the products themselves, by marking or stamping on an exposed surface, or on a label or tag affixed thereto, of such a degree of permanency as to remain thereon until consummation of consumer sale of the products, and of such conspicuousness as likely to be observed by and read by purchasers and prospective purchasers making casual inspection of the products.

2. Offering for sale, selling or distributing any such product packaged, mounted in a container, on a display card or other display device, without disclosing the country or place of foreign origin of the product, or substantial part or parts thereof, on the front or face of such packaging, container, display card or other display device, so positioned as to clearly have application to the product so packaged or mounted, and of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as likely to be read by purchasers making casual inspection of the product as so packaged or mounted: *Provided, however*, That as used in prohibitions 1 and 2 of this order, the term "substantial part" shall not be construed to include (a) a scissors component similar to Respondents' exhibits 1 or 2, in such metal expansion watchbands, or (b) the using of two push pin components in its nonmetal bands and up to seven push pin components in its metal bands, or (c) a spring ring component in its products.

3. Using the words "Made in U.S.A." or "New York, U.S.A." or any other word or words of similar import or meaning, in connection with any such product which contains an item, component or part made in Hong Kong or any other foreign country, without clearly disclosing the country of origin of such item, component or part in the manner set out above in paragraph 1 whenever the words appear on the product, and in the manner set out above in paragraph 2 whenever the words appear on the packaging, container, display card or other display device.

4. Representing, in any other manner, that any such product which contains an item, component or part made in Hong Kong or any other foreign country, is made in the United States without clearly disclosing the country of origin of such item, component or part in the manner set out above in paragraph 1 whenever the representation appears on the product, and in the manner set out above in paragraph 2 whenever the representation appears on the packaging, container, display card or other display device.

5. Representing, directly or by implication, that any such product made in a foreign country is made in the U.S.A.; or using any word or term which represents or suggests that any product, containing a part whether substantial or insubstantial (including scissors) made in a foreign country, is made in the U.S.A. without clearly disclosing the country of origin of such part in the manner set out above in paragraph 1 whenever the representation appears on the product, and in the manner set out above in paragraph 2 whenever the representation appears on the packaging, container, display card or other display device.

6. Placing in the hands of distributors, retailers and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out above.

*It is further ordered*, That the order herein shall be construed to apply to all sales by respondents in the United States and its possessions and in Puerto Rico, but shall be inapplicable to export items.

*It is further ordered*, That nothing contained in prohibitions 3, 4, 5, and 6 of this order shall be construed to prohibit respondents from:

(1) Making disclosure of the name and address of the respective respondents by nondeceptively imprinting such name together with its address on packages, containers, display devices or guarantees for its products, and such address may also be set forth by designating the city and/or State, or

(2) Nondeceptively stamping on the backs of said products the letters "U.S.A." in manner and in size and coloring not likely to be observed or read by purchasers and prospective purchasers at retail, making casual inspection of said products, it being understood that stamping in size of type no larger or in greater color prominence than that on Commission Exhibit 100 and Consent Agreement Exhibits 1 and 2 attached to the consent agreement shall not be deemed to be in violation of said prohibitions,

and neither of the foregoing shall be construed to be a representation of place of origin of the product or any part or component thereof.

*It is further ordered*, That nothing herein shall be construed to prohibit the respondent corporation from selling, distributing, or using, until June 1, 1969, watchbands or watchband parts in inventory as of the date of service of this order which are stamped with the words "U.S.A.", or "U.S.A. Pat. _____" or "U.S. Pat. _____" or packages, containers, display devices or guarantee forms in inventory as of said date imprinted with those words.

*It is further ordered*, That the foregoing shall be without prejudice to the rights of respondents (a) to seek a ruling from the Commission pursuant to § 3.61 of the Commission's rules with respect to the use of push pin components in excess of the foregoing numbers, or (b) to seek advice from the Commission regarding the use in their products of parts thereof made in a foreign country.

*It is further ordered*, That the initial decision of the hearing examiner be, and it hereby is, vacated.

*It is further ordered*, For purposes of the reports of compliance to be filed in this matter that the country of origin or fabrication of the leather components of watchbands made in the United States from foreign skins (including alligator, sea turtle, seal, etc.) shall be deemed to be the country, where such skins are finished but acceptance of such reports of compliance may be rescinded pursuant to § 3.61(d) of its rules if the Commission subsequently determines that the country where the skins were taken and/or tanned are material facts and that they should be disclosed in the public interest; and in such event, the respondents shall be afforded 180 days after notice of such determination within which to comply therewith.

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

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

Issued: April 8, 1969.

By the Commission.

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

[F.R. Doc. 69-5278; Filed, May 1, 1969; 8:49 a.m.]

## PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

### Disclosure of Origin of Imported Circular Saw Discs

**§ 15.343 Disclosure of origin of imported circular saw discs.**

(a) In response to a request for an advisory opinion, the Commission ruled that it would not be necessary to disclose the foreign origin of imported circular steel saw discs.

(b) After importation, the manufacturer will add tungsten carbide tips to the imported discs. Domestic parts and labor represent approximately 80 percent of total production costs, with the remaining 20 percent representing the cost of the imported discs. The finished blades will be sold to cabinet shops,

schools, builders, industrial concerns, and hobbyists.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: May 1, 1969.

By direction of the Commission.

Commissioner MacIntyre did not concur.

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

[F.R. Doc. 69-5228; Filed, May 1, 1969; 8:45 a.m.]

## PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

### Premerger Clearance Not Granted; Grocery Stores in Concentrated Market

§ 15.344 **Premerger clearance not granted; grocery stores in concentrated market.**

(a) The Commission advised an applicant for an advisory opinion that it cannot grant clearance for a proposed merger of two grocery retailing corporations operating in the same metropolitan maketing area.

(b) Applicant is the owner of three supermarkets having 1.5 percent share of the particular market. The proposed purchaser is a regional supermarket chain having 18 percent to 20 percent of the same market with a ranking of second among all the companies selling groceries in the area. The market is concentrated with the four leading companies sharing 57 percent according to one survey and 74 percent of all sales as calculated by another analyst.

(c) The Commission advised the applicant that it believes that the proposed merger would raise substantial questions of legality under the merger laws and that it therefore cannot grant the clearance requested.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: May 1, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-5227; Filed, May 1, 1969; 8:45 a.m.]

## PART 240—GUIDES FOR ADVERTISING ALLOWANCES AND OTHER MERCHANDISING PAYMENTS AND SERVICES

### Extension of Effective Date

The Federal Trade Commission has extended from May 1 to June 1, 1969, the effective date of its Guides for Advertising Allowances and Other Merchandising Payments and Services, previously published in the FEDERAL REGISTER of March 6, 1969, in order to consider comments received before the closing date for such comments which was April 15, 1969.

Issued: May 1, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-5342; Filed, May 1, 1969; 8:50 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

[Release No. 33-4968]

## PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

### Prior Delivery of Preliminary Prospectus

The Commission again called attention to the continued high volume of registration statements filed under the Securities Act of 1933, and noted that the number of companies filing registration statements for the first time continues to mount, so that well over half of the filings now being made are by such companies. The Commission emphasized that the investing public should be aware that many such offerings of securities are of a highly speculative character and that the prospectus should be carefully examined before an investment decision is reached. It is characteristic of such speculative issues that the company has been recently organized, that the promoters and other selected persons have obtained a disproportionately large number of shares for a nominal price with the consequent dilution in the assets to be contributed by the investing public, and that the underwriters receive fees and other benefits which are high in relation to the proceeds to the issuer and which further dilute the investment values being offered.

The Commission has declared its policy in Rule 460 (17 CFR 230.460) that it will not accelerate the effective date of a registration statement unless the preliminary prospectus contained in the registration statement is distributed to underwriters and dealers who it is reasonably anticipated will be invited to participate in the distribution of the security to be offered or sold. The purpose of this requirement is to afford all persons effecting the distribution a means of being informed with respect to the offering so that they can advise their customers of the investment merits of the security. Particularly in the case of a first offering by a nonreporting company, salesmen should obtain and read the current preliminary or final prospectus before offering the security to their clients.

The Commission also announced, in the exercise of its responsibilities in accelerating the effective date of a registration statement under section 8(a) of the Securities Act of 1933, and particularly the statutory requirement that it have due regard to the adequacy of the information respecting the issuer theretofore available to the public, that it will consider whether the persons making an offering of securities of an issuer which is not subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, have taken reasonable steps to furnish preliminary prospectuses to those persons who may reasonably be expected to be purchasers of the securities. The Commission will ordinarily be satisfied by a written statement from the managing underwriter to the effect that it has been informed by participating underwriters and dealers that copies of the preliminary prospectus complying with Rule 433(a) (17 CFR 230.433(a)) have been or are being distributed to all persons to whom it is then expected to mail confirmations of sale not less than 48 hours prior to the time it is expected to mail such confirmations. Such distribution should be by air mail if the confirmations will be sent by air mail, or a longer period to compensate for the difference in the method of mailing the prospectus should be provided. Of course, if the form of preliminary prospectus so distributed was inadequate or inaccurate in material respects, acceleration will be deferred until the Commission has received satisfactory assurances that appropriate correcting material (including a memorandum of changes) has been so distributed.

In view of the situation above discussed, the Commission proposes to invoke this acceleration policy immediately. When the Commission gains sufficient experience under this policy, it anticipates proposing appropriate revision of its rules.

By the Commission, April 24, 1969.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5258; Filed, May 1, 1969; 8:46 a.m.]

[Release No. 34-8573]

## PART 240—GENERAL RULES AND REGULATIONS SECURITIES EXCHANGE ACT OF 1934

### Registration of Certain Classes of Securities

The Securities and Exchange Commission has adopted a rule (17 CFR 240.12g-2) relating to the registration of securities under section 12(g)(1) of the Securities Exchange Act of 1934. (The proposed rule was published in Release No. 34-8532 on Feb. 20, 1969; 34 F.R. 4896, on Mar. 6, 1969.) That section requires, with certain exceptions, the registration of any class of equity securities if the issuer of such securities has total assets exceeding $1 million and securities of the class are held of record

by 500 or more persons. Section 12(g)(2)(A) exempts from such registration securities listed and registered on a national securities exchange and section 12(g)(2)(B) exempts therefrom securities issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940.

The new rule provides that where a class of securities would have been required to be registered under section 12(g)(1) of the Act except for the fact that it was exempt from such registration by section 12(g)(2)(A) or (B) of the Act, when the exemption terminates such class shall be deemed to be registered under section 12(g)(1) if at that time securities of the class are held of record by 300 or more persons. The rule accomplishes the transition from registration under section 12(b) of the Act or section 8 of the Investment Company Act of 1940 without the necessity of filing an additional registration statement. The rule also makes clear that registration under section 12(g)(1) of the Act continues even though at the time of the termination of the exemption securities of the class are no longer held of record by 500 or more persons.

*Commission action.* Section 240.12(g)-(2) of Chapter II of Title 17 of the Code of Federal Regulations is adopted to read as follows:

**§ 240.12g-2 Securities deemed to be registered pursuant to section 12(g)(1) upon termination of exemption pursuant to section 12(g)(2)(A) or (B).**

Any class of securities which would have been required to be registered pursuant to section 12(g)(1) of the Act except for the fact that it was exempt from such registration by section 12(g)(2)(A) because it was listed and registered on a national securities exchange, or by section 12(g)(2)(B) because it was issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940 (54 Stat. 789 et seq., as amended; 15 U.S.C. 80(a)-(1) et seq.), shall upon the termination of the listing and registration of such class or the termination of the registration of such company, and without the filing of an additional registration statement, be deemed to be registered pursuant to said section 12(g)(1) if at the time of such termination securities of the class are held of record by 300 or more persons.

Effective date: Inasmuch as the foregoing rule is an interpretative rule, the Commission finds that it may be made effective immediately. Accordingly, the rule shall become effective upon publication April 17, 1969.

By the Commission, April 17, 1969.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-5259; Filed, May 1, 1969; 8:46 a.m.]

# Title 20—EMPLOYEES' BENEFITS

## Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 4, further amended]

## PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

### Subpart G—Filing of Applications and Other Forms

HOSPITAL ADMISSION FORMS AS WRITTEN INTENTS TO CLAIM BENEFITS FILED WITH THE ADMINISTRATION

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.608 is amended by adding a new subparagraph (5) to paragraph (a) and revising paragraph (b) to read as follows:

**§ 404.608 When an application or written statement, request, or notice, is considered to have been filed; time and place of filing.**

(a) *Date of receipt.* * * *

(5) A statement filed with a title XVIII provider of hospital services in accordance with § 404.618 and which meets the requirements of § 404.613 shall, when transmitted to the Administration, be considered to be an application for entitlement to benefits under title II and title XVIII filed with the Administration as of the date such statement was filed with a hospital qualified to receive reimbursement for services under title XVIII.

(b) *Date of mailing.* If the application, statement, request, or notice, is deposited in and transmitted by the U.S. mail and the fixing of the date of delivery as the date of filing would result in a loss or impairment of rights, it is considered received as of the date of mailing (except in cases described in subparagraphs (3), (4), and (5) of paragraph (a) of this section). The date appearing on the postmark (when available and legible) shall be prima facie evidence of the date of mailing. If there is no postmark or it is not legible, other evidence may be used to establish the mailing date.

2. Section 404.613 is amended by revising paragraphs (a), (b), and subparagraph (2) of paragraph (c) to read as follows:

**§ 404.613 When written statement considered an application.**

(a) *Written statement filed by individual on his own behalf.* Where an individual files a written statement with the Administration (see § 404.608) or with a title XVIII provider of hospital services in accordance with § 404.618 that indicates an intention to claim monthly benefits, a lump-sum death payment, special payments for uninsured individuals at age 72, entitlement to hospital insurance benefits, or to establish a period of disability and such statement bears his signature or his mark properly witnessed, the filing of such written statement is, unless otherwise indicated, considered to be the filing of an application for such purposes, provided:

(1) The individual or a proper party on his behalf (see § 404.603) executes a prescribed application form (see § 404.602) that is filed with the Administration during the individual's lifetime and within the period prescribed in paragraph (c)(1) of this section; or

(2) In the case of an individual who dies before the filing of a prescribed application form within the period prescribed in paragraph (c)(1) of this section, a prescribed application form is filed with the Administration within the period prescribed in paragraph (c)(2) of this section:

(i) By or on behalf of a person eligible to receive benefits on the same earnings record as the deceased individual; or

(ii) By a party acting on behalf of the deceased individual's estate; or

(iii) By a title XVIII provider of hospital services in the case of a statement filed with such provider under § 404.618, if no person described in subdivisions (i) or (ii) of this subparagraph can be located, or if located he fails or refuses to file the prescribed application form within 6 months from the date of notice to him, unless the person described in subdivisions (i) and (ii) states his failure or refusal to file is because it would be detrimental to the deceased individual or his estate.

(b) *Written statement filed by person on behalf of another.* A written statement filed by a person that indicates an intention to claim on behalf of another person monthly benefits, a lump-sum death payment, special payments for uninsured individuals at age 72, entitlement to hospital insurance benefits, or to establish a period of disability, is, unless otherwise indicated, considered to be the filing of an application for such purposes, provided:

(1) The written statement bears the signature (or mark properly witnessed) of the person filing the statement;

(2) The statement is filed by

(i) The spouse of the individual on whose behalf the statement is being filed, or

(ii) A proper party to execute an application on a prescribed form on behalf of a claimant as determined by § 404.603, or

(iii) A person acting on behalf of an inpatient of a title XVIII provider of hospital services (see § 404.618);

(3) A prescribed application form (see § 404.602) is executed and filed in accordance with the provisions of (a)(1) or (2) of this section.

(c) *Period within which prescribed application form must be filed.* * * *

(2) If the Administration is notified that the death of such individual occurred before the mailing of the notice described in subparagraph (1) of this

paragraph or within the 6-month period following the mailing of such notice but before the filing of a prescribed application form by or on behalf of such individual, notification in writing shall be sent to a person eligible to receive benefits on the same earnings record as the deceased individual, to a person acting on behalf of his estate, or to the deceased's last known address. Where a title XVIII provider of hospital services is a proper applicant under subdivision (iii) of paragraph (a)(2) of this section, notification in writing shall be sent to such title XVIII provider. Such notification will include information that an initial determination with respect to such written statement will be made only if a prescribed application form is filed within 6 months from the date of such notification.

* * * * *

3. Section 404.618 is added to read as follows:

**§ 404.618 Statements filed with title XVIII providers of hospital services; where filing of statement with such title XVIII provider is considered to be a filing with the Administration.**

In the case where an inpatient (or some other person acting on behalf of an inpatient) of a hospital providing services for which payment may be made under part A of title XVIII, files with such hospital a request for payment of benefits under title XVIII of the Social Security Act and no timely application for such title XVIII benefits has been filed with the Social Security Administration by him or on his behalf, such request for payment (or a photocopy thereof) shall be transmitted to the Administration, and will be considered a written statement filed with the Administration for the purposes of establishing entitlement under part A of title XVIII and to benefits under title II, as of the date it was filed with a hospital qualified to receive reimbursement for services under title XVIII. The provisions of § 404.613 shall thereafter apply to such statement.

(Secs. 202, 205, 226, 1102, Social Security Act, as amended, 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 70 Stat. 815, as amended, 49 Stat. 647, as amended, 79 Stat. 290, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 402, 405, 426, 1302)

*Effective date.* The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: April 3, 1969.

ROBERT M. BALL,
*Commissioner of Social Security.*

Approved: April 25, 1969.

ROBERT H. FINCH,
*Secretary of Health, Education, and Welfare.*

[F.R. Doc. 69-5221; Filed, May 1, 1969; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

## PART 121—FOOD ADDITIVES

### Phosalone

A. A petition (PP 9F0759) was filed with the Food and Drug Administration by Rhodia, Inc., 120 Jersey Avenue, New Brunswick, N.J. 08903, proposing the establishment of tolerances for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl)-2-benzoxazolinone) *O,O*-diethyl phosphorodithioate) in or on the raw agricultural commodities apples, grapes, and pears at 10 parts per million.

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

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

1. Since the proposed usage is not reasonably expected to result in residues of the pesticide being in the edible tissues and byproducts of animals fed the above-named commodities, tolerances are unnecessary regarding meat, milk, eggs, or poultry. The usage is classified in the category specified in § 120.6(a)(3).

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

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

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

**§ 120.3 Tolerances for related pesticide chemicals.**

* * * * *

(e) * * *

(5) * * *

| | |
|---|---|
| Phosalone | (*S*-(6-chloro-3-(mercaptomethyl)-2-benzoxazolinone) *O,O*-diethyl phosphorodithioate). |

* * * * *

2. The following new section is added to Subpart C:

**§ 120.263 Phosalone; tolerances for residues.**

Tolerances are established for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl)-2-benzoxazolinone) *O,O*-diethyl phosphorodithioate) in or on the raw agricultural commodities apples, grapes, and pears at 10 parts per million.

B. Having evaluated the data in an accompanying food additive petition (FAP 9H2342) submitted by the aforementioned petitioner, and other relevant material, the Commissioner concludes that the food additive regulations should be amended to establish a food additive tolerance of 20 parts per million for residues of the subject insecticide in or on raisins resulting from the application of the insecticide to the growing raw agricultural commodity grapes and that such food additive tolerance is safe. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)) and under authority delegated as cited above, Part 121 is amended by adding to Subpart D the following new section:

**§ 121.1226 Phosalone.**

A tolerance of 20 parts per million is established for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl)-2-benzoxazolinone) *O,O*-diethyl phosphorodithioate) in or on raisins. Such residue may be present therein only as a result of application of the insecticide to the growing raw agricultural commodity grapes.

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

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

(Secs. 408(d)(2), 409(c)(1), (4), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(1), (4))

Dated: April 28, 1969.

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

[F.R. Doc. 69-5245; Filed, May 1, 1969; 8:46 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

COUMAPHOS

The Commissioner of Food and Drugs, having evaluated the data submitted in

a petition (15-965V) filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, and other relevant material, concludes that § 121.304 should be amended to provide for the safe use of coumaphos in the feed of beef and dairy cattle for the control of specified gastrointestinal parasites. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.304(a) is revised to read as follows:

**§ 121.304 Coumaphos (*O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate).**

* * * * *

(a) In cattle feed as follows:

| Amount | Limitations | Indications for use |
|---|---|---|
| 1. Coumaphos... 0.00012 lb. (0.054 gm.) per 100 lb. body weight per day. | For beef and dairy cattle; feed for the duration of fly season in a complete feed containing 0.0033% or in a feed supplement containing not over 0.0066% coumaphos; do not feed to animals less than 3 months old. | As an aid in the reduction of fecal breeding flies through control of fly larvae. |
| 2. Coumaphos... 0.0002 lb. (0.091 gm.) per 100 lb. body weight per day. | For beef and dairy cattle; feed 0.0002 lb. (0.091 gm.) per 100 lb. animal weight per day for 6 days in a complete feed containing not over 0.0056% coumaphos; the feed shall not be in a pelleted or other compressed form. | Control of infestations of gastrointestinal roundworms (genera *Cooperia* spp., *Haemonchus* spp., *Nematodirus* spp., *Ostertagia* spp., *Trichostrongylus* spp.). |

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

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

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

Dated: April 25, 1969.

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

[F.R. Doc. 69-5244; Filed, May 1, 1969; 8:46 a.m.]

# Title 24—HOUSING AND HOUSING CREDIT

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

## MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

### SUBCHAPTER A—GENERAL

### PART 200—INTRODUCTION

#### Subpart D—Delegations of Basic Authority and Functions

Section 200.83 is amended by adding a new paragraph (g) to read as follows:

**§ 200.83 Assistant Commissioner for Property Disposition and Deputy.**

* * * * *

(g) To act for the Commissioner in approving the compromise and settlement of contract claims for and against the Commissioner and to execute releases or other instruments required in connection with such compromise or settlement.

(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)

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### SUBCHAPTER D—RENTAL HOUSING INSURANCE

### PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

#### Subpart A—Eligibility Requirements

In § 207.33 paragraph (b)(3) is amended and paragraph (e) is revoked as follows:

**§ 207.33 Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.**

* * * * *

(b) * * *

(3) 90 percent of the estimated value of the property after the improvements are completed.

* * * * *

(e) [Revoked]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

### SUBCHAPTER K—EXPERIMENTAL HOUSING INSURANCE

### PART 233—EXPERIMENTAL HOUSING MORTGAGE INSURANCE

In Part 233 in the Table of Contents, Subparts C and D are redesignated as Subparts D and E, respectively, and new Subparts C and F are added as follows:

#### Subpart C—Assistance Payments

Sec.
233.401 Incorporation by reference.

* * * * *

#### Subpart F—Assistance and Interest Reduction Payments

Sec.
233.900 Incorporation by reference.

In Part 233, Subparts C and D are redesignated as Subparts D and E, respectively, and new Subparts C and F are added as follows:

#### Subpart C—Assistance Payments

**§ 233.401 Incorporation by reference.**

(a) *Section 235 type home mortgages.* All of the provisions of Subpart C, Part 235, concerning assistance payments pursuant to section 235 of the Act, apply with full force and effect to a mortgage insured under Subparts A and B of this part, if the mortgage is insured as meeting the eligibility requirements of § 235.1 et seq. (Part 235, Subpart A), except as such requirements are modified by § 233.5.

(b) *Section 237 type home mortgages.* All of the provisions of Subpart C, Part 237, concerning assistance payments in connection with a mortgage insured under section 237, apply with full force and effect to a mortgage insured under Subparts A and B of this part, if the mortgage is insured as meeting the eligibility requirements of § 237.1 et seq. (Part 237, Subpart A), except as such requirements are modified by § 233.5.

* * * * *

#### Subpart F—Assistance and Interest Reduction Payments

**§ 233.900 Incorporation by reference.**

(a) *Section 235(j) type project mortgages.* (1) All of the provisions of Subpart F, Part 235, concerning assistance payments pursuant to section 235(j) of the Act, apply with full force and effect to a mortgage insured under Subparts D and E of this part, if the mortgage is insured as meeting the eligibility requirements of § 235.501 et seq. (Part 235, Subpart D), except as such requirements are modified by § 233.505 et seq.

(2) Reference in § 235.805 to "this part" shall be deemed to refer to Part 233.

(b) *Section 236 type project mortgages.* (1) All of the provisions of Subpart C, Part 236, concerning interest reduction payments pursuant to section 236 of the Act, apply with full force and

effect to a mortgage insured under Subparts D and E of this part, if the mortgage is insured as meeting the eligibility requirements of § 236.1 et seq. (Part 236, Subpart A), except as such requirements are modified by § 233.505 et seq.

(2) Reference in § 236.505 to "Subparts A and B of this part" shall be deemed to refer to Subparts D and E of this part.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 233, 75 Stat. 158; 12 U.S.C. 1715x)

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SUBCHAPTER M—HOMES FOR LOWER INCOME FAMILIES

## PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

In Part 235, Subpart A in the Table of Contents, a new § 235.7 is added as follows:

Sec.
235.7 Application and commitment extension fees.

### Subpart A—Eligibility Requirements—Homes for Lower Income Families

In § 235.1 paragraph (a) is amended by adding to the listed exceptions as follows:

**§ 235.1 Incorporation by reference.**

(a) * * *

Sec.
203.12 Application and commitment extension fees.

In Part 235, Subpart A, a new § 235.7 is added to read as follows:

**§ 235.7 Application and commitment extension fees.**

All of the provisions of § 203.12 of this chapter, concerning application and commitment extension fees, apply to mortgages insured under this part, except that the mortgagee shall not be required to pay an application or a commitment extension fee where the dwelling or family unit involved is being released from a project mortgage which is insured at the time of the release under one of the parts of this chapter.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 235, 82 Stat. 477; 12 U.S.C. 1715z)

Issued at Washington, D.C., April 28, 1969.

[SEAL] WILLIAM B. ROSS,
*Acting Federal Housing Commissioner.*

[F.R. Doc. 69-5272; Filed, May 1, 1969; 8:48 a.m.]

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### Chapter V—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

## PART 1700—INTRODUCTION

### Subpart B—Delegations of Basic Authority and Functions

In Part 1700, Subpart B in the Table of Contents, a new § 1700.90 is added as follows:

Sec.
1700.90 Acting Administrator.

In Part 1700, Subpart B, a new § 1700.90 is added to read as follows:

**§ 1700.90 Acting Administrator.**

The Deputy Administrator, the Director of the Examination Division, and the Director of the Administrative Proceedings Division, in the order named, are designated by the Administrator to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Administrator" with the powers, duties and rights delegated to the Administrator in § 1700.75.

(Sec. 1419, 82 Stat. 598, 15 U.S.C. 1718)

Issued at Washington, D.C., April 28, 1969.

WILLIAM B. ROSS,
*Acting Federal Housing Commissioner.*

[F.R. Doc. 69-5273; Filed, May 1, 1969; 8:48 a.m.]

# Title 29—LABOR

### Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

## PART 460—FILING OF DESCRIPTION OF EMPLOYEE WELFARE OR PENSION BENEFIT PLANS—ANNUAL REPORTS

### Delegation of Authority To Sign Plan Descriptions, Plan Description Amendments, and Annual Reports

The Welfare and Pension Plans Disclosure Act (WPPDA), 29 U.S.C. 301 et seq., requires that plan descriptions and annual reports be signed by the plan administrator (WPPDA, sections 6(b) and 7(b), 29 U.S.C. 305(b) and 306(b)). In cases where the plan administrator is constituted by a group of individuals, such as a joint labor-management board of trustees, a committee or a partnership, the Office of Labor-Management and Welfare-Pension Reports has required that each member of the group must sign the Plan Description Reporting Form (D–1) or the Annual Report Form (D–2), as the case may be, and the instructions for executing and signing such forms so indicate.

It has been brought to the attention of this Office that these stringent signature requirements create an unnecessary burden and difficulty in filing reports since, among other things, the individuals constituting the group administrator may be in different geographic locations at the time the D–1 or D–2 forms must be signed and filed. The signature requirements have therefore been reconsidered and it has been decided that henceforth, the members of a group plan administrator may delegate the authority for signing plan descriptions (Form D–1) and annual reports (Form D–2) to one or more of their members. In the case of a joint employer-union board or committee, signatures will be required from at least one employer representative and one union representative, and the delegation must so authorize.

The delegation must be evidenced in writing unless the authority of the signing member to act for the group is apparent from the legal nature of the group (as in a partnership, where the partner signing the report is acting within the scope of the partnership, thereby binding all the partners); however, the individual authorized to sign need not be identified by name. This requirement may be satisfied by the minutes of a meeting or by any other written record stating that the person signing the plan description or report did so according to the authorization of the other group members. Such record, and the record of any subsequent delegation of signature authority, must be retained as part of the plan records in accordance with section 11 of the Act to support any description, amended description or annual report which is filed bearing a signature made pursuant to the delegation of authority.

A Plan Description Amendment Form (D–1A) has been prescribed for purposes of publishing amendments to the plan description. Instructions for executing and signing Form D–1A permit a delegation of authority to sign where the plan administrator is a group of individuals; however, these instructions currently require (1) that the authorization be evidenced by a written document duly executed by all persons constituting the administrator and that such document be filed with the first Form D–1A submitted to the Department of Labor subsequent to such authorization, and (2) that where an amendment reflects a change in the name or address of a member of the group, his official position with respect to the plan, relationship to the employer or employee organization, or his possession of other office, position or employment which may have a significant relation to the plan or party in interest, such member is also required to sign Form D–1A.

Since delegation of signature authority will now be allowed with respect to Forms D–1 and D–2, it is desirable that the signature requirements for all three forms be uniform. Therefore, the signature requirements for Form D–1A referred to above will no longer be applicable and the requirements will henceforth be the same as those for Forms D–1 and D–2.

In accordance with these decisions and pursuant to section 5(a), WPPDA, 29 U.S.C. 304 and Secretary's Order No. 16–68 (33 F.R. 15574), 29 CFR Part 460 is hereby amended in the following manner:

**§ 460.2 [Amended]**

1. The text which now constitutes the whole of § 460.2 shall become paragraph (a) of that section.

2. New paragraph (b) is added to § 460.2, to read as follows:

(b) Where the administrator of the plan is a group of individuals, such as a joint labor-management board of trustees, a committee or a partnership, the members of the group may delegate authority to sign the plan description (D–1), amended plan description (D–1 or

D–1A) and annual report (D–2) to one or more members of the group, except that in the cases of a joint employer-union board or committee at least one employer representative and one union representative must sign.

3. New paragraph (c) is added to § 460.2, to read as follows:

(c) The delegation of authority referred to in paragraph (b) of this section must be evidenced in writing unless the authority of the signing member to act for the group is apparent from the legal nature of the group (as in a partnership, where the partner signing the report is acting within the scope of the partnership, thereby binding all the partners); however, the individual authorized to sign need not be identified by name. This requirement may be satisfied by the minutes of a meeting or by any other written record stating that the person signing the plan description, amended plan description or annual report did so according to an authorization of the other group members. Such record, and the record of any subsequent delegation of signature authority, must be retained as part of the plan records in accordance with section 11 of the Act to support any description, amended description or annual report which is filed bearing a signature made pursuant to the delegation of authority.

4. New paragraph (d) is added to § 460.2, to read as follows:

(d) Plan descriptions, amended plan descriptions and annual reports signed by a member duly authorized to sign on behalf of the group are deemed to have been signed by the plan "administrator" within the meaning of sections 6(b) and 7(b) of the Act. Group administrators who delegate the signature authority to one or more of their number are not thereby otherwise relieved from the responsibilities, obligations, and liabilities imposed by the Act.

Because the present signature requirement is a burden which should be relieved immediately and the new regulations stated above are necessary to relieve this burden, it has been determined in accordance with section 4 of the Administrative Procedure Act, as codified in 5 U.S.C. 553, that notice and public procedure thereon and delay in the effective date are unnecessary and that the amendments to Part 460 stated above shall be effective on the date of their publication in the FEDERAL REGISTER.

(Secs. 6, 7, 72 Stat. 999, 1000; 76 Stat. 36; 29 U.S.C. 305, 306)

Signed at Washington, D.C., this 28th day of April 1969.

/S/ W. J. USERY, Jr.,
*Assistant Secretary for Labor-Management Relations.*

[F.R. Doc. 69–5263; Filed, May 1, 1969; 8:47 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 5A—Federal Supply Service, General Services Administration

### SMALL BUSINESS SIZE STATUS

Supplemental procedures for assuring that procurements set aside for small business concerns are not awarded to ineligible concerns.

### PART 5A—1 GENERAL

The Table of Contents for Subpart 5A–1.7 is amended to add the following:

Sec.
5A–1.703–2 Protest regarding small business status.

### Subpart 5A—1.7 Small Business Concerns

Section 5A–1.703–2 is added to read as follows:

**§ 5A–1.703–2 Protest regarding small business status.**

(a) Even though a bidder's representation as a small business concern is not protested by another bidder, contracting officers should question the small business status whenever that status is in doubt and shall refer all questionable cases to SBA for determination.

(b) When the solicitation provides for a total or partial small business set-aside, or a labor surplus area set-aside, it is essential that the applicable small business size standard be set forth clearly in the schedule (see §§ 1–1.706–5(c) and 1–1.706–6(c)). In addition, the following notice shall be included immediately following the entry of the applicable size standard:

NOTICE CONCERNING SIZE STATUS

Any bidder who has a question as to whether he is or is not a small business concern shall contact the nearest office of the Small Business Administration and resolve the question before submitting a bid.

The small business representation appearing on page 2 of the solicitation is a material representation of fact upon which the Government relies when making award. If it is later determined that the small business representation was erroneous, and the contractor was not a small business concern on the date of award of this contract, the contract may be canceled by the Government and the contractor charged with any damages sustained by the Government as a result of such cancellation.

(c) In addition to the usual preaward actions, the following procedures shall be followed when evaluating bids involving preference for small business concerns.

(1) When submitting GSA Form 894, Financial Responsibility—Inquiry and Reply (see § 5–1.310–7(a)), a notation shall be entered in the "Remarks" block requesting the appropriate GSA finance activity to furnish any available information such as corporate affiliation, franchise arrangements, number of employees, volume of sales, and other information which may have a bearing on the small business status of the prospective contractor. A copy of the SF 33 (face and reverse), executed by the bidder (or an appropriate extract of the bid), shall be attached to the GSA Form 894 in order to provide the finance activity with the necessary information, particularly the affiliation and identifying data under paragraph 5 on page 2 of the bid.

(2) When submitting GSA Form 353, Plant Facilities Report (see § 5A–1.310–7), enter the following in Block 2 of the form "Being considered for preferential award as a small business concern" and request information as to (1) the firm's number of employees, and (2) evidence of apparent affiliation relationships such as joint occupancy of premises.

(d) In cases involving equal low bids, when requesting the written statement required by § 1–2.407–6(c), a concern which is to receive preference based on its small business representation shall be specifically advised of the applicable small business size standard and requested to confirm that it will perform the contract as a small business concern in accordance with that standard. The procedure in (c) and (e) of this section shall also be followed when applicable.

(e) If a protest regarding small business size status is received after expiration of the 5-day period specified in § 1–1.703, or if the protest is received after contract award, the SBA nevertheless shall be requested to determine whether the concern in question is or is not a small business concern. If SBA determines that the concern in question is not a small business concern, the following action shall be taken.

(1) If award has not been made, the bid shall be rejected as nonresponsive where the procurement is totally set-aside for small business concerns. Where the procurement is partially set-aside, the firm which has misrepresented its size status shall not be considered for preferential award under the set-aside portion. Where it is determined that the bidder has made a willful (not inadvertent) misrepresentation of its size status, such firm shall be placed on the review list maintained pursuant to § 5–1.310–50.

(2) If award has been made, the contract should be canceled in accordance with the provisions of the notice prescribed in paragraph (b) above, unless cancellation would not be in the best interest of the Government. Prior to final action under this paragraph, the case shall be referred to the Assistant Commissioner for Procurement for approval. Such submissions shall include the status of performance of the contract, the urgency of need for the items covered, any evidence bearing on the issue of whether the erroneous certification was willful or inadvertent and any other information which would be helpful in determining whether the contract should be terminated and whether the matter should be referred to the Department of Justice.

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

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

Dated: April 24, 1969.

H. A. ABERSFELLER,
*Commissioner,*
*Federal Supply Service.*

[F.R. Doc. 69-5240; Filed, May 1, 1969; 8:45 a.m.]

## Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

### SCRAP GOLD

Part 101-45 is amended by the addition of new § 101-45.309-9 to provide policy and procedures relating to the public sale of scrap gold. Part 101-46 is amended by revising § 101-46.202(d)(9) to provide an exception in the case of scrap gold for fine gold.

### PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

The table of contents for Part 101-45 is amended to provide for new entries, as follows:

Sec.
101-45.309-7 (Reserved)
101-45.309-8 (Reserved)
101-45.309-9 Scrap gold.

### Subpart 101-45.3—Sale of Personal Property

Sections 101-45.309-7 and 101-45.309-8 are reserved and new § 101-45.309-9 is added as follows:

**§ 101-45.309-7 [Reserved]**

**§ 101-45.309-8 [Reserved]**

**§ 101-45.309-9 Scrap gold.**

(a) Scrap gold will be sold in accordance with § 101-45.304 and this § 101-45.309-9.

(b) For the purpose of this section, "scrap gold" means gold filings, clippings, polishings, sweepings, and the like and any other melted or unmelted scrap gold, semiprocessed gold, or fabricated gold, the value of which depends primarily upon its gold content and not upon its form which is no longer held for the use for which it was processed or manufactured.

(c) Sales of scrap gold shall be processed as follows:

(1) The sealed bid method of sale shall be used.

(2) The invitation for bids shall include only scrap gold and such other precious and semiprecious materials as may be available for sale at that time.

(3) The following special condition should be made a part of the invitation for bids in all sales of scrap gold when the amount being offered does not exceed 50 fine troy ounces of gold content:

The bidder agrees to comply with all applicable provisions of the U.S. Treasury Department Gold Regulations (31 CFR Part 54).

(4) Sales of scrap gold in quantities exceeding 50 fine troy ounces of gold content shall be made only to bidders who certify that they hold U.S. Treasury Department gold licenses and provide information as to license numbers.

(5) The following special condition of sale shall be made a part of the invitation for bids when scrap gold is being offered in amounts exceeding 50 fine troy ounces of gold content:

(i) The bidder agrees to comply with all applicable provisions of the U.S. Treasury Department Gold Regulations (31 CFR Part 104).

(ii) The bidder certifies that he holds a U.S. Treasury Department gold license issued by the Director, Office of Domestic Gold and Silver Operations, and that the number of such license is TGL-_____.

(6) After the sale is completed, a copy of the award or other appropriate document showing name and address of purchaser and gold license number, if applicable, shall be forwarded to the Director, Office of Domestic Gold and Silver Operations, Treasury Department, Washington, D.C. 20220, for each individual sale in an amount of $200 or more.

(d) An executive agency generating scrap gold and also having a continuing need for fine gold should, in lieu of sale, arrange with a private licensed refiner or a United States Mint or Assay Office, as appropriate, for the acceptance of scrap gold in exchange for fine gold. Such exchanges will avoid the necessity of spending funds for the acquisition of fine gold. Table of charges for the exchange of scrap gold for fine gold at the United States Mints and Assay Offices is contained in 31 CFR Part 90.

### PART 101-46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

### Subpart 101-46.2—Authorization

Section 101-46.202(d)(9) is revised as follows:

**§ 101-46.202 Restrictions and limitations.**

* * * * *

(d) * * *

(9) The sale, transfer, or exchange of scrap materials in connection with the acquisition of personal property except in the case of scrap gold for fine gold.

* * * * *

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

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

Dated: April 25, 1969.

ROBERT L. KUNZIG,
*Administrator of General Services.*

[F.R. Doc. 69-4241; Filed, May 1, 1969; 8:45 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL AND ABATEMENT OF AIR POLLUTION

### PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

### Metropolitan Cincinnati Interstate Air Quality Control Region

On January 10, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 399) to amend Part 81 by designating the Metropolitan Cincinnati Interstate Air Quality Control Region (Ohio-Kentucky-Indiana).

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on January 27, 1969. Due consideration has been given to all relevant material presented, with the result that the region, as hereby designated, includes three counties, Butler and Warren Counties in the State of Ohio, and Ohio County in the State of Indiana, which were not included in the initial proposal.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, the Metropolitan Cincinnati Interstate Air Quality Control Region (Ohio-Kentucky-Indiana) is hereby designated and Part 81, as set forth below, is hereby amended effective on publication.

**§ 81.20 Metropolitan Cincinnati Interstate Air Quality Control Region.**

The Metropolitan Cincinnati Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:
Butler County. Hamilton County.
Clermont County. Warren County.
In the Commonwealth of Kentucky:
Boone County. Kenton County.
Campbell County.
In the State of Indiana:
Dearborn County. Ohio County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: April 28, 1969.

ROBERT H. FINCH,
*Secretary.*

[F.R. Doc. 69-5218; Filed, May 1, 1969; 8:45 a.m.]

# Title 45—PUBLIC WELFARE

## Chapter I—Office of Education, Department of Health, Education, and Welfare

## PART 119—FEDERAL FINANCIAL ASSISTANCE FOR STRENGTHENING STATE DEPARTMENTS OF EDUCATION

The revised regulations set forth below are applicable to grants to State educational agencies pursuant to title V of the Elementary and Secondary Education Act of 1965 (Public Law 89–10), as amended. Subpart B of this part is applicable to grants from apportioned funds pursuant to section 503(a) of the Act. Subpart C is applicable to grants for experimental projects pursuant to section 505 of the Act, and subparts A and D are applicable to both types of grant. All such grants are subject to regulations in 45 CFR, Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (Public Law 88–352).

The following revision of Part 119 of 45 CFR is issued to reflect administrative changes for the processing of applications and the relocation of regulations of general application from subparts B and C to subpart D:

Subpart A—Definitions

Sec.
119.1 Definitions.

Subpart B—Basic Grants (Grants From Apportioned Funds)

119.2 State applications.
119.3 Procedures for application review and disposition.
119.4 State educational agency.
119.5 Supplementation of State effort.
119.6 State fiscal management.
119.7 Reports.
119.8 Federal payments.
119.9 Reapportionment.
119.10 Transfers of apportioned funds.

Subpart C—Special Project Grants

119.20 Purpose.
119.21 Submission of applications.
119.22 Review of applications.
119.23 Disposition of applications.
119.24 Payment procedures.
119.25 Revisions.
119.26 Reports.
119.27 Publications.
119.28 Termination of grant.

Subpart D—General Provisions

119.40 Minor deviations.
119.41 Effective date of application, amendment or revision.
119.42 Period for which an application will be approved.
119.43 Proration of costs.
119.44 Expenditures by grantees.
119.45 Liquidation of obligations.
119.46 Effect of payments and settlement of accounts.
119.47 Arrangements with individuals or other organizations.
119.48 Fiscal audits and program reviews.
119.49 Records management.
119.50 Grantee accountability.
119.51 Allowable expenditures.
119.52 Copyrights.

AUTHORITY: The provisions of this Part 119 issued under Title V of Public Law 89–10, 20 U.S.C. 861–870. Interpret or apply secs. 501–506, 508–510, 601 of Public Law 89–10, 20 U.S.C. 861–866, 868–870, 881.

### Subpart A—Definitions

§ 119.1 Definitions.

As used in this part:

(a) "Act" means the Elementary and Secondary Education Act of 1965 (Public Law 89–10).

(b) "Basic Grants" means grants made by the Commissioner from funds apportioned under section 502(a)(1) of the Act.

(c) "Commissioner" means the U.S. Commissioner of Education.

(d) "Department" means the U.S. Department of Health, Education, and Welfare.

(e) "Elementary school" means a day or residential school which provides elementary education as determined under State law.

(f) "Equipment" includes machinery, utilities, built-in equipment, and all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published, and audiovisual instructional materials; and books, periodicals, documents, and other related materials. Equipment does not include the erection of new enclosures or structures, or the expansion, remodeling, alteration, or acquisition of existing enclosures or structures. Equipment does not include supplies which are consumed in use, or which may not reasonably be expected to last longer than 1 year.

(g) "Fiscal year," as used with respect to reporting and accounting, means the period beginning on the first day of July and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

(h) "Local educational agency," or "local agency," means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(i) "Project period" means the total period of time for which a special project is approved for support with funds under Title V of the Act.

(j) "Public regional interstate commission or agency for educational planning and research" means a legally constituted public organization whose jurisdiction extends to some or parts of two or more of the States and which is empowered to conduct educational planning or research.

(k) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(l) "Service function" means an educational service which is performed by a legal entity, such as an intermediate agency, whose jurisdiction does not extend to the whole of the State and which is authorized to provide consultative, advisory, or educational program services to public elementary or secondary schools, of which has regulatory functions over agencies having administrative control or direction of public elementary or secondary schools.

(m) "Special project grants" means grants made from funds reserved by the Commissioner pursuant to section 505 of the Act.

(n) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(o) "State educational agency," or "State agency," means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 865, 881)

### Subpart B—Basic Grants (Grants From Apportioned Funds)

§ 119.2 State applications.

(a) *Purpose and content.* The principal condition for a basic grant of Federal funds apportioned to a State under Title V of the Act is the submission by the State through the State educational agency of an application to the Commissioner. Any State desiring to receive a basic grant shall submit an application for each fiscal year on such date as the Commissioner may fix, and in accordance with such procedures as the Commissioner may prescribe. Each State shall in its application for each fiscal year provide for the distribution among local educational agencies in the State in an equitable manner on the basis of need, at least 10 percent of its apportionment to be used by such agencies for any of the purposes of Title V of the Act as applied to a local educational agency for local purposes in lieu of the State educational agency for State purposes.

(b) *Submission and approval.* An application and all amendments thereto shall be submitted to the Commissioner for his approval by a duly authorized officer of the State educational agency. The application shall indicate the official or officials authorized to submit application material. If found by the Commissioner to be in conformity with the provisions and purposes of the Act and the regulations in this part, the application

for that fiscal year will be approved subject to the limits of available appropriations. The Commissioner will not finally disapprove an application except after reasonable notice and opportunity for a hearing has been afforded to the State educational agency. An approved application forms the basis for making payments to a State under Title V of the Act.

(c) *Amendments.* An application must be appropriately amended whenever (1) there is a material change in a pertinent State law or in the organization, policies, or operations of the State educational agency affecting the application or any activities described therein, (2) there is a material change in the content or administration of any such activity, or (3) any activity is added or deleted. (Minor deviations referred to in § 119.40 are not deemed to be "material changes" for the purposes of this paragraph.) The submission and approval of amendments shall follow the same procedures and have the same effect specified for an application in paragraph (b) of this section. All applications submitted after the initial application within the same fiscal year shall have the effect of an amendment to the initial application.

(d) *Certificate of the State educational agency.* An application and all amendments thereto must include as an attachment a certificate of the officer of the State educational agency authorized to submit the application to the effect that the application has been adopted by the State agency and that the application will constitute the basis for operation and administration of the activities in which Federal participation under basic grants will be required.

(e) *Certificate of the State attorney general.* The application shall include as an attachment a certificate by the State's attorney general, or other official designated in accordance with State law to advise the State educational agency on legal matters, to the effect that the applicant is the State educational agency and that the applicant has authority under State law to submit the application.

(20 U.S.C. 864)

### § 119.3 Procedures for application review and disposition.

The Commissioner will approve an application only upon his determination that such an application meets the requirements of the Act and the regulations in this part. This means that:

(a) Each activity and part thereof proposed in an application or an amendment thereto provides for the development, improvement, or expansion of activities which make a significant contribution toward strengthening the leadership resources of the State educational agency, or which make a significant contribution toward strengthening its ability to participate effectively in identifying and meeting the needs of elementary and secondary education in the State;

(b) An application and all amendments thereto and each activity proposed therein complies with and conforms to applicable provisions of this subpart and subpart D.

(20 U.S.C. 864)

### § 119.4 State educational agency.

(a) *Designation.* The application shall give the official name of the State educational agency that will be the agency responsible for administering the activities set forth in the application.

(b) *Organization.* The application shall describe by chart the organizational structure of the State educational agency responsible for administering the activities described therein, and a description of the unit or units responsible for such administration, the principal functions assigned to each, the lines of authority within such unit or units and the administrative relationships of such a unit or units to the rest of the State educational agency. If an activity in an application will expand or alter the organizational structure of the State educational agency, the application shall indicate that part of the structure to be affected.

(20 U.S.C. 863)

### § 119.5 Supplementation of State effort.

(a) The application of a State shall contain or be accompanied by an assurance that Federal funds made available under the application will supplement and, to the extent practicable, increase the amount of State funds that would in the absence of such Federal funds be made available for activities which meet the conditions of section 503 of the Act and §§ 119.2 and 119.3 in this part.

(b) In determining whether the assurance referred to in paragraph (a) of this section is adequate, the Commissioner may request additional data from the applicant such as: (1) The amount of State funds (including, in the case of programs supported by Federal funds, the State share of all expenditures pursuant to such programs) to be expended by the State educational agency for activities which meet the conditions of section 503(a) of the Act and §§ 119.2 and 119.3 as compared with (2) the amount of State funds expended by the State educational agency in the preceding fiscal year or years for such activities, with allowances for unusual capital expenditures, such as the acquisition of data processing or other major items of equipment, and adjustments to reflect changes in the scope of the responsibilities of the State educational agency.

(20 U.S.C. 864)

### § 119.6 State fiscal management.

The application shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of an accounting for Federal funds paid to the State pursuant to the application, including any such funds paid by the State to agencies, institutions, and organizations for the purpose of carrying out activities under Title V of the Act. Subject to the provisions of § 119.44, such fiscal management shall be in accordance with applicable State laws, policies, and procedures. Accounts and supporting documents relating to any application involving Federal financial participation shall be adequate to permit an accurate and expeditious audit.

(20 U.S.C. 864)

### § 119.7 Reports.

The application shall provide that the State educational agency will periodically consult with the Commissioner, make such reports to the Commissioner, at such time, and in such form, and containing such information, as he may consider reasonably necessary to perform his duties under the Act, and comply with such provisions as the Commissioner may find necessary to assure the correctness and verification of such reports. Such reports shall include, but not be limited to, a report from each State for each fiscal year of such State's participation in Title V of the Act which provides information on all programs (including but not limited to Title V activities) conducted by the State educational agency during that fiscal year.

(20 U.S.C. 864)

### § 119.8 Federal payments.

Subject to the authority of the Commissioner to make reapportionments or to transfer apportionments pursuant to section 502(b) of the Act and §§ 119.9 and 119.10 in this part, and subject also to any withholding of payments by the Commissioner pursuant to section 508 of the Act and § 119.46(a), the Federal Government will pay from each State apportionment the sums expended by each State educational agency in accordance with Title V of the Act, the regulations in this part, and its approved application. Such payments will be made in installments in advance on the basis of estimated expenditures or reimbursement of actual costs incurred, with appropriate adjustments for underpayments or overpayments for actual expenditures in any prior period. Such payments will be made available to the States after:

(a) The State has on file in the Office of Education an approved application covering the activities for which payment is to be made;

(b) The pertinent reports required by § 119.7 in this part have been reviewed; and

(c) The Commissioner is satisfied that the State needs the funds and will be able to carry out the activities contained in the application.

(20 U.S.C. 866)

### § 119.9 Reapportionment.

Pursuant to section 502(b)(1) of the Act:

(a) The amount apportioned to any State for any fiscal year under section 502(a) of the Act which the Commissioner determines will not be required for that year shall be available for reapportionment, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned to such

other States for that year, except that the amount to each State will be reduced to the extent it exceeds the sum the Commissioner determines the State needs or will be able to use for that year.

(b) The amounts to be so reapportioned will be determined by the Commissioner on the basis of (1) reports filed by the States of the amounts required to carry out the State application approved by the Commissioner, and (2) such other information as he may have available. Each State agency shall, if requested, submit to the Commissioner, on such date or dates as he may specify, a report or reports showing the anticipated need during the current fiscal year for the amount previously apportioned or any amount needed in addition thereto, and such other information as the Commissioner may request.

(20 U.S.C. 862)

### § 119.10 Transfers of apportioned funds.

(a) Upon the request of a State, any part of the amount of Federal funds apportioned to it for basic grants may, pursuant to paragraph (b) of this section, be added to or combined with the amount apportioned to another State for the purpose of carrying out one or more activities that would benefit each participating State.

(b) Any State desiring that a part of its apportionment of Federal funds for basic grants be added to or combined with that of another State shall submit to the Commissioner a request for such a transfer, either as a part of the application covering an activity or activities affected by such a transfer or as an amendment or amendments thereto. Such a request shall be submitted by a State simultaneously with the application or at any time subsequent thereto. Such a request shall contain (1) a description of the activities to be carried out by the receiving State with funds contributed to it by other participating States; (2) a statement of the total amount to be expended for such activities and the sources and amounts of Federal and non-Federal funds, if any, contributed by each participating State, including the receiving State; (3) information showing how such activities will assist all participating States in strengthening the leadership resources of their respective State educational agencies and in identifying and meeting their educational needs; and (4) a certificate of the receiving State educational agency accepting the transfer of funds for the purposes identified by the State or States requesting the transfer. Each such request, when approved by the Commissioner, shall become a part of the application of the receiving State.

(20 U.S.C. 862)

## Subpart C—Special Project Grants

### § 119.20 Purpose.

Special project grants authorized in section 505 of the Act will be made by the Commissioner (a) to State educational agencies to pay part of the cost of experimental projects for developing State leadership or for the establishment of special services which, in the judgment of the Commissioner, hold promise of making a substantial contribution to the solution of problems common to the State educational agencies of all or several States, and (b) to public regional interstate commissions or agencies for educational planning and research.

(20 U.S.C. 865)

### § 119.21 Submission of applications.

(a) Applications for special project grants may be made only by State educational agencies or public regional interstate commissions or agencies for educational planning and research. Applications shall be made in such form and detail as may be required by the Commissioner. An application shall contain (1) a statement of the purpose of the project; (2) a description of the nature and scope of the activities to be undertaken and the methods and arrangements for working toward project objectives; (3) a proposed budget; (4) an agreement that the grantee will comply with the requirements of the Act and the regulations in this part, and with such other conditions and procedures as the Commissioner may prescribe in awarding the grant; and (5) any other documents and information which the Commissioner may require.

(b) An application from an interstate commission or agency shall include as an attachment a certificate by the chief legal officer for the commission or agency to the effect that the applicant is a public regional interstate commission or agency for educational planning and research and that the applicant has legal authority to submit the application and to accept and use Federal grant funds.

(20 U.S.C. 865)

### § 119.22 Review of applications.

(a) In reviewing each application submitted for his approval, the Commissioner will assure himself that:

(1) Each special project proposed in an application includes experimental activities, or in the case of public regional interstate commissions and agencies, educational planning and research, for development of State educational leadership or for establishment of special services which hold promise of making a substantial contribution to the solution of: (i) Problems common to the State educational agencies of all of the States; or (ii) problems common to the State agencies of several of the States.

(2) Each application complies with and conforms to applicable provisions of the Act and regulations in this part, and such conditions and procedures as the Commissioner may require to carry out his functions under section 505 of the Act.

(b) In addition, the Commissioner in reviewing special project grant applications may take into consideration such factors as the following:

(1) The significance and the pervasiveness among all or several of the States of the problems toward which the project proposed in the application is directed.

(2) The nature of the leadership or special service activities to be undertaken.

(3) The adequacy of the design and procedures to be employed for the project.

(4) The competence of the project director and his staff.

(5) The resources to be provided by the applicant State educational agency as its part of the costs of the project.

(6) The degree and type of participation in the project by States other than the State submitting the application or by States in the region of the applicant public regional interstate commission or agency.

(c) Each application from a public regional interstate commission or agency shall consist only of educational planning or research activities designed (1) to stimulate and assist States in strengthening the leadership resources of State educational agencies or (2) to assist State educational agencies in the establishment and improvement of programs to identify and meet the educational needs of States.

(20 U.S.C. 865)

### § 119.23 Disposition of applications.

On the basis of his evaluation, the Commissioner will (a) approve the application in whole or in part, (b) disapprove the application, or (c) defer action on the application for such reasons as lack of funds or a need for further evaluation. Any deferral or disapproval of an application will not preclude its reconsideration or resubmission. The Commissioner will notify the applicant in writing of the disposition of the application. If the Commissioner makes a grant, the grant award will include the approved budget, the grant conditions, and the period of time or project period for which the project may be supported.

(20 U.S.C. 868)

### § 119.24 Payment procedures.

Payments pursuant to special project grants may be made available in installments, and in advance on the basis of estimated costs, or reimbursement of actual costs incurred in carrying out the approved project, with appropriate adjustments for underpayments or overpayments in any prior period.

(20 U.S.C. 866)

### § 119.25 Revisions.

Whenever the approved application for a special project is to be materially changed, a written request to revise the project must be made by the grantee. Revisions shall be submitted in writing and reviewed by the Commissioner as a new project application. Project revisions may be initiated by the Commissioner if, on the basis of reports, it appears that Federal grant funds are not being used effectively, or if changes are made in Federal appropriations, laws,

regulations, or policies governing special projects.

(20 U.S.C. 864)

§ 119.26 Reports.

The application shall provide that the grantee will consult periodically with the Commissioner and will make such reports to him, at such time, in such form, and containing such information, as he may consider reasonably necessary to perform his duties under the Act.

(20 U.S.C. 864)

§ 119.27 Publications.

Material produced as a result of any special project supported with grants under Title V of the Act may be published without prior review by the Commissioner. Such published material, however, shall include an acknowledgment of Federal assistance through such grants. Copies of any material so produced shall be furnished to the Commissioner.

(20 U.S.C. 863)

§ 119.28 Termination of grant.

The Commissioner may, at his discretion, terminate any special project grant if he finds that the grantee has failed to comply with the conditions of the grant or that the project reports are incorrect or incomplete in any material respect. In the event of such a termination by the Commissioner, the grantee will be promptly notified and given the reasons for the Commissioner's action in writing. A special project grant may also be voluntarily terminated by the grantee by written notice to the Commissioner.

(20 U.S.C. 864, 865)

## Subpart D—General Provisions

§ 119.40 Minor deviations.

Minor deviations in the application are permitted without the necessity for an approved amendment or revision where (1) they do not result in expenditure in excess of the total amount granted, (2) there is not any material change in the content or the administration of the approved application, (3) expenditures are otherwise made in accordance with, and for kinds of expenditures authorized in, the approved application, and (4) the total amounts for each line or column total in the approved budget do not vary by more than 15 percent.

(20 U.S.C. 863)

§ 119.41 Effective date of application, amendment or revision.

The effective date of any approved application, amendment or revision shall not be earlier than the date on which it is received by the Commissioner in substantially approvable form. No funds under Title V of the Act may be used for the payment of obligations incurred prior to the effective date of the approved application, amendment or revision.

(20 U.S.C. 864)

§ 119.42 Period for which an application will be approved.

(a) Basic grants. Since a project application is approved only for a period covering a fiscal year, funds granted to a State pursuant to §§ 119.2, 119.9 and 119.10 shall be available only for expenditures for which the application was approved and which are made during the fiscal year for which such funds are made available. For this purpose, the approval by a State educational agency of a project of a local educational agency shall be deemed to be an expenditure by the State educational agency.

(b) Special project grants. The project shall remain in effect for the period specified in the project approval or until otherwise terminated in accordance with § 119.28.

(c) Obligations and payments. The approval of the application pursuant to § 119.2 or § 119.23 will be regarded as an obligation of the Government of the United States in the amount of the approved application. Federal funds so obligated will remain available for expenditure by grantees during the fiscal year for which the Federal grant funds are made available or, in the case of special projects, for the period for which the application is approved. All payments made with respect to the grant shall remain available for such a period. In the case of a special project grant, such a period may be extended by revision of the project application pursuant to § 119.25.

(31 U.S.C. 200)

§ 119.43 Proration of costs.

Federal financial participation is available only with respect to that portion of any expenditure which is attributable to an approved application. Each grantee shall establish a justifiable basis for identifying expenditures and the method to be used in prorating expenditures among eligible and noneligible purposes covered by different programs. Each grantee shall maintain records to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, supplies, and equipment.

(20 U.S.C. 864)

§ 119.44 Expenditures by grantees.

Beginning July 1, 1969, or at such earlier date as the applicant may determine and notify the Commissioner, expenditures of funds under Title V of the Act will be determined on the basis of binding commitments for the acquisition of goods or property or for the performance of work, except that the use of funds for personal services, for services performed by public utilities, for travel, and for rental of equipment and facilities shall be determined on the basis of the time such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively. For this purpose, the approval by a State educational agency of a project of a local educational agency shall be deemed to be an expenditure by the State educational agency.

(31 U.S.C. 200)

§ 119.45 Liquidation of obligations.

Obligations entered into by a grantee and payable out of funds under Title V of the Act shall be liquidated during the fiscal year following the fiscal year in which such funds are made available for use by such grantee unless prior to the end of that fiscal year the grantee reports to the Commissioner the reasons why such obligations cannot be timely liquidated and, on the basis thereof, the Commissioner extends the time for so liquidating obligations. The same period for liquidation of obligations shall prevail for funds made available to a local educational agency under the provisions of section 503(14) of the Act. Such a period may be extended for local educational agencies if the State educational agency is similarly notified and extends the time for so liquidating obligations.

(31 U.S.C. 200)

§ 119.46 Effect of payments and settlement of accounts.

(a) No waiver. Neither the approval of an application nor any payment to the grantee pursuant thereto shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the grantee to observe any Federal requirements before or after such an administrative action.

(b) Settlement of accounts. The final amount to which the grantee is entitled for any period is determined on the basis of actual disbursements under each application with respect to which Federal financial participation is authorized.

(20 U.S.C. 866)

§ 119.47 Arrangements with individuals or other organizations.

(a) In carrying out activities under Title V of the Act, the grantee receiving such grants may not transfer to others responsibility in whole or in part for the use of such grants or the conduct of such activities, except for those activities funded under the provisions of section 503(14) of the Act, but may enter into contracts or arrangements with others for carrying out a portion of any such activity. Such contracts or arrangements shall (1) be in writing, (2) incorporate by reference all requirements of the Act, the regulations in this part, the application of the applicant, and the grant conditions, (3) constitute a reasonable and prudent use of grant funds, (4) provide that funds received pursuant to Title V of the Act and paid by the grantee to the other party of the contract or arrangement will be used only for costs incurred by such other party in carrying out its portion of an activity, and (5) provide that such other party will account to the grantee for any funds that are not expended in accordance with the contract or arrangement.

(b) In applying for a grant under Title V of the Act, the applicant shall indicate in the application for such grant any intention it may have of entering into contracts or other arrangements with individuals or organizations to conduct a portion of any activity proposed in the application. The grantee shall not enter into any such contract or arrangement unless the intention to do so is included in the approved application, or an amendment or revision thereto.

(20 U.S.C. 863)

**§ 119.48 Fiscal audits and program reviews.**

In order to assist the grantee in adhering to statutory requirements and to the substantive legal and administrative provisions of the approved application, the Commissioner will conduct periodic reviews of the administration of the grantee's activities under Title V of the Act. In addition, all records covering expenditures for activities of the grantee will be audited by the Department to determine whether the grantee has properly accounted for Federal funds.

(20 U.S.C. 868)

**§ 119.49 Records management.**

(a) *Records maintenance and disposition.* The grantee shall maintain and keep intact and accessible all records supporting claims for Federal grants or relating to the accountability of such grantee for expenditure of such grants (1) for 5 years after the end of the period for which such grants were made available to the grantee for expenditure; or (2) until the grantee is notified that such records are not needed for administrative review, whichever occurs first.

(b) *Questioned expenditure.* The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and such adjustments have been reviewed and approved by the Department.

(c) *Records of equipment.* Where equipment which costs $100 or more per unit is purchased by the grantee with Federal financial participation, inventories and other records supporting accountability shall be maintained until the grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment.

(20 U.S.C. 864)

**§ 119.50 Grantee accountability.**

A grantee receiving grants under Title V of the Act shall, in accordance with procedures established by the Commissioner, render a full accounting of all grant funds paid to it upon the expiration of Title V of the Act or upon termination of such grants, and refund to the Commissioner any overpayment which might have been made, as determined by such an accounting.

(20 U.S.C. 866)

**§ 119.51 Allowable expenditures.**

Federal funds granted under Title V of the Act may be used for such expenditures as are necessary to carry out the activities for which the grants are made. Such expenditures may include (a) salaries, travel and other expenses of professional personnel and supporting staff for time spent on activities reasonably related to such activities, including payments for leave and employers' contributions to retirement, workmen's compensation, and other welfare funds, which are available under applicable laws to one or more general classes of the State or local agency or the grantee employees; (b) fees and approved expenses of consultants, advisory committees, and other persons or groups acting in an advisory capacity to the grantee in carrying out such activities; (c) acquisition, maintenance and repair of equipment (including minor remodeling), supplies, and materials, to the extent directly used or consumed in carrying out such activities; and (d) other expenses (except those for the acquisition of land or the acquisition, construction, or alteration of buildings) to the extent that they are directly attributable to such activities.

(20 U.S.C. 863)

**§ 119.52 Copyrights.**

Any material of a copyrightable nature produced through a project approved by the Commissioner under Title V of the Act shall not be copyrighted unless, at the request of the grantee, a copyright for a limited period of time is authorized by the Commissioner upon his determination that the authorization to receive such a copyright will result in more effective development or dissemination of the materials and would otherwise be in the public interest. The Commissioner shall, with respect to any copyright of materials produced with funds under Title V of the Act, be granted a nonexclusive, irrevocable, royalty-free license to reproduce, publish, and use for governmental purposes.

(BOB letter of December 3, 1964, to Register of Copyrights)

PETER P. MUIRHEAD,
*Acting U.S. Commissioner of Education.*

Approved: April 24, 1969.

ROBERT H. FINCH,
*Secretary of Health, Education, and Welfare.*

[F.R. Doc. 69-5287; Filed, May 1, 1969; 8:49 a.m.]

## Chapter VIII—United States Civil Service Commission

## PART 801—VOTING RIGHTS PROGRAM

### Appendix A; Georgia

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," a change in the place for filing in Lee County, Ga.:

APPENDIX A

* * * * *

GEORGIA

*County; place for filing; beginning date.*

* * * * *

Lee: (1) Leesburg—Farmers Exchange Building, Second Floor; April 3, 1967, through April 30, 1969; (2) Leesburg—U.S. Post Office, intersection of State Highway 32 and U.S. Highway 19; May 1, 1969.

* * * * *

(Secs. 7 and 9 of the Voting Rights Act of 1965; Public Law 89-110)

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

[F.R. Doc. 69-5279; Filed, May 1, 1969; 8:49 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### [ 43 CFR Part 2240 ]

### PUBLIC SALES

### Sale of Unintentional Trespass Lands

Notice is hereby given that it is proposed to amend Subpart 2243 as set forth below. This amendment provides regulations to implement the Act of September 26, 1968 (80 Stat. 870). This act authorizes the sale of lands which were affected by unintentional trespass on or before September 26, 1968, and which contain some land which has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification for disposal under the homestead or desert land laws.

This amendment is not required by law to be published as proposed rule making because it relates to public property. However, it is the policy of this Department, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Bureau of Land Management, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. A new paragraph is added to § 2243.0–1 to read as follows:

**§ 2243.0–1 Purpose.**

* * * * *

(c) The regulations in § 2243.3 implement the Act of September 26, 1968 (82 Stat. 870). This act authorizes the sale of certain land that was affected by unintentional trespass on or before September 26, 1968.

2. A new section is added to subpart 2243 to read as follows:

**§ 2243.3 Procedures under the Act of September 26, 1968.**

**§ 2243.3–1 General.**

(a) *Authority.* The Act of September 26, 1968 (82 Stat. 870) authorizes the Secretary of the Interior to sell at public auction any tract of public lands not exceeding 120 acres that was affected by unintentional trespass by the owner or user of contiguous lands on or prior to September 26, 1968, and which contains some land that has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification as proper for disposal under the homestead or desert land laws. The act permits sales only if the Secretary of the Interior finds the land is not needed for a public purpose. The act limits the amount of land any person may acquire under its terms to 120 acres. The authority to make such sales expires on September 26, 1971, except that sales for which application has been made prior to September 26, 1971, may be completed after that date.

(b) *Objectives.* The program of the Secretary of the Interior in the administration of the act is to take into consideration the criteria set out in Part 2410 and to sell at public auction for not less than their appraised fair market value on an orderly basis public lands subject to the act which are not needed for a public purpose. To conform with the specific purposes of the act, lands will be sold in the smallest aliquot parts practicable in each situation.

**§ 2243.3–2 Lands subject to sale.**

(a) The act authorizes the Secretary of the Interior on his own motion or upon application of any person who owns contiguous lands to order into market and sell at public auction for not less than the appraised fair market value any tract of public lands not exceeding 120 acres which on or before September 26, 1968, was affected by unintentional trespass by the owner or user of contiguous lands and which he finds is not needed for public purposes and contains some land that has been or can be put to cultivation.

(b) The Secretary of the Interior has full discretion to determine whether land should be ordered into market under the regulations of this part. Factors that will be taken into consideration in making these determinations are described in Subpart 2410 of this chapter. Lands which are valuable for minerals will not be sold unless the minerals can be reserved to the United States under existing law. (See 30 U.S.C. section 21.)

(c) Only tracts of public land that are classified by the authorized officer under the criteria and procedures in Part 2410 of this chapter can be sold pursuant to the regulations in this section.

**§ 2243.3–3 Procedures.**

The provisions of § 2243.1 apply to sales under this section except that the owner of contiguous lands who wishes to assert his preference right must offer to purchase the lands at the highest bid received. A credit, determined by the authorized officer, will be given to a preference right purchaser for any value added to the land by him or his predecessors in interest during any period of unintentional trespass.

**§ 2243.3–4 Trespass charges.**

Purchase of lands in accordance with the act and these regulations shall not relieve any person from liability for unauthorized use of the lands while title was in the United States.

HARRISON LOESCH,
*Assistant Secretary of the Interior.*

APRIL 28, 1969.

[F.R. Doc. 69-5248; Filed, May 1, 1969; 8:46 a.m.]

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### Fish and Wildlife Service

### [ 50 CFR Part 215 ]

### ADMINISTRATION OF THE PRIBILOF ISLANDS

### Aquatic Mammals Other Than Whales

Experience has demonstrated the need for a revision of the regulations prescribing the restrictions necessary to ensure the conservation of the wildlife resources of the Pribilof Islands.

The proposed amendments are to be issued under the authority contained in sections 101, 201, 207, and 403 of the Fur Seal Act of 1966 (80 Stat. 1091; 16 U.S.C. 1151).

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Bureau of Commercial Fisheries, Washington, D.C., within the period of 30 days from the date of publication of this Notice in the FEDERAL REGISTER.

### PART 215—ADMINISTRATION OF THE PRIBILOF ISLANDS

Sec.



**§ 215.1 Visits to seal rookeries.**

From June 1 to October 15 of each year no person, except those authorized by the Bureau of Commercial Fisheries, or accompanied by an authorized employee of the Bureau of Commercial Fisheries, shall approach any fur seal rookery or hauling grounds nor pass beyond any posted sign forbidding passage.

**§ 215.2 Dogs prohibited.**

In order to prevent molestation of the fur seal herds, the landing of any dogs at the Pribilof Islands is prohibited.

**§ 215.3 Importation of birds and mammals.**

No mammals or birds shall be imported to the Pribilof Islands without the permission of the Bureau of Commercial Fisheries.

§ 215.4 Reindeer and foxes.

The reindeer herd on St. Paul Island is Government-owned. When it is determined that a surplus exists, hunting will be allowed to the extent of the surplus. A drawing will be held under local rules. Foxes may be hunted or trapped when prime during the months of December and January by holders of State trapping licenses.

§ 215.5 Walrus and Otter Islands.

By Executive Order 1044, dated February 27, 1909, Walrus and Otter Islands were set aside as bird reservations. All persons are forbidden to land on these islands except those authorized by the Bureau of Commercial Fisheries.

§ 215.6 Local regulations.

Local regulations will be published from time to time and will be brought to the attention of local residents and persons assigned to duty on the islands by posting in public places and brought to the attention of tourists by personal notice.

§ 215.7 Penalties.

Any person who violates or fails to comply with the regulations relating to the use and management of the Pribilof Islands or to the conservation and protection of the fur seals or wildlife or other natural resources located thereon shall be fined not more than $500 or be imprisoned not more than 6 months, or both. Any person who violates the provisions of title I or III of the Fur Seal Act of 1966, which relate to the protection of fur seals and sea otters, shall be fined not more than $2,000 or be imprisoned not more than 1 year, or both.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685) and dated April 24, 1969.

RUSSELL T. NORRIS,
*Acting Director,*
*Bureau of Commercial Fisheries.*

[F.R. Doc. 69-5257; Filed, May 1, 1969; 8:46 a.m.]

# DEPARTMENT OF AGRICULTURE

## Consumer and Marketing Service

## [ 7 CFR Part 1138 ]

[Docket No. AO-335-A13]

## MILK IN RIO GRANDE VALLEY MARKETING AREA

### Decision and Order To Terminate Proceeding on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Albuquerque, N. Mex., on June 3-4, 1968, pursuant to notice thereof issued on May 22, 1968 (33 F.R. 7761).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on March 13, 1969 (34 F.R. 5334; F.R. Doc. 69-3200) filed with the Hearing Clerk, U.S. Department of Agriculture his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions and rulings of the recommended decision (34 F.R. 5334; F.R. Doc. 69-3200) are hereby approved, adopted, and are set forth in full herein.

The material issues on the record of the hearing related to:

1. Continuation of credits for specified Class II uses beyond August 1968;
2. Point of pricing diverted milk;
3. Pooling provisions for cooperative association "standby plants";
4. Deletion or modification of the supply-demand adjustor to the Class I price;
5. Changing marketwide pooling provisions to individual-handler pooling;
6. Changing the assignment with respect to receipts of packaged milk at a pool plant from a producer-handler; and
7. Deletion of the present exemption from pricing and pooling for larger producer-handlers.

By decisions issued August 6, 1968 (33 F.R. 11409) and August 26, 1968 (33 F.R. 12254) and amendatory action effective September 1, 1968 (33 F.R. 12302) proceedings have been concluded with respect to Issues 1-5 inclusive. This decision is concerned only with Issues 6 and 7.

*Findings and conclusions.* The following findings and conclusions on material Issues 6 and 7 are based on evidence presented at the hearing and the record thereof:

6. *Assignment of receipts of packaged milk received at a pool plant from a producer-handler.* No change should be made in order provisions with respect to assignment of packaged milk received at a pool plant from a producer-handler.

It was proposed that any packaged fluid milk product received from a producer-handler at a regulated plant be assigned to the Class I sales of the receiving plant.

The order presently assigns to the Class I sales of a regulated plant packaged certified fluid milk products received at such plant from a producer-handler and disposed of in the form in which received. A producer of certified milk who processes and packages his own production, but disposes of it through a pool plant instead of on his own route, is included under the definition of producer-handler.

These provisions have been in the order since it was first issued in 1962. They recognize a marketing practice prevailing before the order. The rules of Medical Milk Commissions under which milk may be disposed of as certified milk require the producer of certified milk to use only his own production and to process and package it himself under specified conditions of handling. The only producer of certified milk in the area was accorded producer-handler status because these rules and local marketing conditions provided no supplementary source of certified milk to be available either to him or the pool plant through which his milk is marketed. Under the order provisions the sales of this certified milk are virtually free from regulation as though disposed of on the producer's own routes.

In support of his proposal, proponent claimed that under the present order provisions packaged milk received at a pool plant from any source other than noncertified milk of producer-handlers was accorded more favorable treatment than bulk milk from the same source. In fact, however, receipts from unregulated plants are treated the same, whether in packaged or bulk form. Also, there was no showing that the special circumstances applying to certified milk apply with respect to operations of other producer-handlers. The proposal, therefore, is denied.

7. *Deletion of the present exemption from pricing and pooling for larger producer-handlers.* No action should be taken on the basis of this record to regulate producer-handlers disposing of more than a specified quantity of their own production on routes in the marketing area, or to otherwise alter the provisions affecting producer-handlers.

The order provides that persons who process and package milk of their own production and dispose of such milk on routes in the marketing area shall, under specified circumstances, be accorded producer-handler status and be exempt from payment obligations that fully regulated handlers normally incur under the order. To be eligible for this exemption, a person must not receive milk from other dairy farmers, and can receive a limited quantity of fluid milk products (11,000 pounds per month) only from pool plants; in addition, he must establish that production of milk and its processing and distribution are each his personal enterprise and at his personal risk.

Two handlers operating fully regulated plants at El Paso, Tex., proposed in the notice of hearing that the producer-handler definition apply only to those whose distribution of milk of their own production on routes in the marketing area does not exceed 30,000 pounds per month. At the hearing they modified their proposal to substitute for the 30,000-pound limit one of 129,000 pounds per month. A producer-handler proposed a further modification that would place the limit at 250,000 pounds per month. This further modification was accepted by proponents in their brief and at the hearing and by brief by a cooperative association which supported regulation of producer-handlers.

Twenty-one producer-handlers now distribute milk in the Rio Grande Valley marketing area. Their total Class I sales for the first 4 months of 1968 averaged more than 3.5 million pounds per month. This represents 12.97 percent of the combined total Class I sales for regulated handlers and producer-handlers for this

period. For the years 1966 and 1967 producer-handler sales were 12.58 and 12.77 percent, respectively, of total sales.

The record contains no data concerning the number of producer-handlers in periods other than at the time of the hearing.

In June 1965 a fully regulated handler became a producer-handler. When that occurred, producer-handler sales increased by more than 1.2 million pounds from the preceding month. Percentagewise they increased from 6.38 percent of total sales in May 1965 to 12.09 percent in June of that year.

This producer-handler is now producing about 2 million pounds of milk monthly. He testified that for the years 1966–67, 19.4 percent of his production was used as Class II milk. Prior to increasing his own production to a point sufficient for his Class I sales, he purchased milk from 11 producers. He then had a Class I utilization of 96 to 98 percent of all receipts.

The proponents of regulation maintained that producer-handlers have a competitive advantage over fully regulated handlers. They put this advantage per hundredweight at the difference between the Class I price handlers pay for milk sold in fluid form and the uniform or blend price producers receive for all their milk. They pointed out that a regulated handler who sells all milk he receives as Class I milk is required to pay his producers the uniform price and also to pay into the marketwide pool the difference between the uniform price and the Class I price in order that other producers may receive the uniform price.

They pointed out also, in contrast, that a producer-handler who sells all his production as Class I milk may retain the full Class I value, either to enhance his returns as a producer, or to widen his margin as a handler. Such widened margin would be available for use as a price incentive to maintain or increase fluid sales. This recognizes that the uniform price of the order is the alternative return that a producer-handler might expect for his milk if he were to cease being a handler to become a producer only.

The difference between the Class I and the uniform price has increased in recent years. For 1966 it averaged 52 cents per hundredweight, for 1967 the average difference was 66 cents, and for 1968 it was 95 cents. (Official notice is hereby taken of the prices announced for the months of May through December 1968.) During this entire period the producer-handler proportion of market sales has increased by less than 1 percent. Thus, the widened difference in Class I and blend prices has not affected greatly the relative proportions of sales in the market of producer-handlers and regulated handlers.

As a group, producer-handlers in the Rio Grande Valley have marketed a higher percentage of their own production as Class I milk than the percentage of producer milk marketed as Class I milk by regulated handlers. For each year of 1964 through 1967, producer-handlers marketed from 92 to 96 percent of their production as Class I milk. Producer milk used in Class I ranged from 77 to 83 percent during these years.

As stated above, the producer-handler with the largest volume of sales in the market testified that his Class I usage averaged 80.6 percent over a 2-year period. Another, with production of more than 14,000 pounds daily, is disposing of about one-third of his production as surplus milk to a pool plant for Class II use. A third, with disposition in excess of 129,000 pounds but less than 250,000 pounds monthly, testified that his Class I use is about 98 percent of his production.

The 250,000 pound monthly limit supported by proponents and a producer organization apparently would affect only two of the above three producer-handlers. These two have Class I utilizations more nearly comparable to the market average than the average of producer-handlers as a whole. In fact, if they became fully regulated, one of them might draw funds from the pool on the use he makes of his own production.

There are a number of fully regulated handlers in the Rio Grande Valley market with either own farm production or with production units operated by affiliates. The representative of one handler for whom an affiliate supplies more than one-fourth of the milk supply, testified that more than half of the 18 fully regulated handlers had wholly owned or affiliated production units. Farms owned by handlers furnish about 10 percent of the producer milk supply of the market, or about 2.5 million pounds monthly. Total production of affiliated units was not shown in detail on the record, but may be even greater than that of own farm production.

The present percentage of total sales made by producer-handlers could be increased significantly if certain presently regulated handlers converted to producer-handler status. However, if producer-handler activity in the market increases, singly or in the aggregate, it may be necessary to give further consideration in hearing to whether additional regulation of producer-handlers is required for market stability.

As previously indicated, the proportion of market sales of producer-handlers since June 1965 has been relatively stable. In a 3-year period the producer-handler share of market sales has increased by less than 1 percent. There is no evidence at the present time that producer-handler sales are causing disruption of, or instability in this market. In view of these considerations, it is concluded that no action should be taken on this record to regulate producer-handlers on the basis of Class I disposition in excess of a specified monthly quantity.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*Rulings on exceptions.* In arriving at the findings and conclusions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Termination order.* It is hereby found and determined, on the basis of the findings and conclusions and rulings with respect to the material issues of this proceeding, that the proceeding with respect to proposed amendments to the tentative marketing agreement and to the order is hereby terminated.

Effective date: Upon FEDERAL REGISTER publication.

Signed at Washington, D.C., on April 28, 1969.

RICHARD E. LYNG,
*Assistant Secretary.*

[F.R. Doc. 69-5266; Filed, May 1, 1969; 8:48 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## [ 14 CFR Part 39 ]

[Docket No. 9568]

## AIRWORTHINESS DIRECTIVES

## Viscount Models 744 and 745D Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Vickers Viscount Models 744 and 745D Series Airplanes. Cases have been reported of damage to electrical cables caused by overheating of the aluminum heavy duty cable lugs at the point of connection with the engine starter selector relay. The overheating was caused by insufficient tightening of the cable lug assembly. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed airworthiness directive would require replacement of the existing engine starter selector relay locking nut, bolt, and washers on all Vickers Viscount Models 744 and 745D Series Airplanes equipped with aluminum heavy duty cable lugs connected to the engine starter selector relay.

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 the 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.

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

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

VICKERS. Applies to Viscount Models 744 and 745D Series Airplanes equipped with aluminum heavy duty cable lugs connected to the engine starter selector relay.

Compliance required within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the overheating of the aluminum heavy duty cable lugs during engine starting replace the existing engine starting selector relay locking nut, bolt, and washers with a captive locking nut P/N 80236 Sht. 893, revised securing bolt P/N 72436–2749 and washers 74736–287, in accordance with British Aircraft Corp. Viscount Modification Bulletin No. D.3219 Issue 1, dated September 9, 1968, or later ARB-approved issue or an FAA-approved equivalent. The aluminum cable lug connections to engine starter selector relays are located in the main landing gear wheel bay at Nose Rib Station 131, LH and RH wings.

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

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

[F.R. Doc. 69–5254; Filed, May 1, 1969; 8:47 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

## [ 17 CFR Part 240 ]

[Release No. 34–8574]

## CERTAIN EQUITY SECURITIES

### Reports of Insider Trading

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to Rule 16a–1 under the Securities Exchange Act of 1934. That rule relates to the filing of statements of beneficial ownership of equity securities and changes in such ownership, pursuant to section 16(a) of the Act.

One of the proposed amendments would require a person who has become a director or officer of a company whose equity securities are registered pursuant to section 12 of the Act, or who is a director or officer of a company whose securities have become so registered, to furnish with his initial statement of beneficial ownership on Form 3 (17 CFR 249.103) information as to any changes in his beneficial ownership of equity securities of the company which occurred during the preceding 6 months. The other proposed amendment would require person who has ceased to be a director or officer of such a company, or who was a director or officer at the time the company ceased to have any equity securities registered pursuant to section 12, to file a report with respect to any change in beneficial ownership which occurs within 6 months after any change in beneficial ownership prior to such cessation.

The purpose of the proposed amendments would be to provide disclosure under section 16(a) of the Act with respect to all transactions which may be subject to section 16(b) of the Act. The courts have held that for the purpose of section 16(b) a purchase of an equity security made before a person becomes a director or officer of a company having such securities registered pursuant to section 12 of the Act may be matched with a sale within 6 months thereafter at a time when such person has become a director or officer of the company. Blau v. Allen, 163 F. Supp. 702, 704 (S.D.N.Y. 1958); Adler v. Klawans, 267 F. 2d 840 (2d Cir. 1959). Similarly, it has been held that for the purpose of section 16(b), a purchase of an equity security of such a company by another company having a representative on the first company's board of directors may be matched with a sale of such security, within 6 months, after the representative ceased to be a director of the company. Feder v. Martin Marietta Corporation, 406 F. 2d 260 (1969). The same principles would seem to apply where equity securities become registered, or cease to be registered, between the dates of purchases and sales, or sales and purchases, made within a period of 6 months.

Section 240.16a–1 (d) and (e) of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended to read as follows:

**§ 240.16a–1 Filing of statements.**

* * * * *

(d) Any person who has become a director or officer of an issuer which has equity securities registered pursuant to section 12 of the Act, or who is a director or officer of such an issuer at the time equity securities of such issuer first became so registered, shall file as an exhibit to his statement on Form 3 (17 CFR 249.103) a report on Form 4 (17 CFR 249.104) with respect to all changes, if any, in his beneficial ownership of equity securities of such issuer which occurred within 6 months prior to the date on which he became such director or officer, or equity securities of such issuer first became so registered, as the case may be. Such exhibit shall be dated and signed in the manner required by Form 4 and shall be referred to in such person's statement on Form 3 as an exhibit thereto.

(e) Any person who has ceased to be a director or officer of an issuer which has equity securities registered pursuant to section 12 of the Act, or who is a director or officer of an issuer at the time it ceases to have any equity securities so registered, shall file a statement on Form 4 (§ 249.104 of this chapter) with respect to any change in his beneficial ownership of equity securities of such issuer which shall occur on or after the date on which he ceased to be such director or officer, or the date on which the issuer ceased to have any equity securities so registered, as the case may be, if such change shall occur within 6 months after any change in his beneficial ownership of such securities prior to such date. The statement on Form 4 shall be filed within 10 days after the end of the month in which the reported change in beneficial ownership occurs.

(Secs. 16 and 23(a); 48 Stat. 896 and 901, as amended; 15 U.S.C. 78p and 78w)

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before May 15, 1969. All such communications will be considered available for public inspection.

By the Commission, April 17, 1969.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 69–5260; Filed, May 1, 1969; 8:46 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

### CARROL M. BENNETT

### 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) Sold: Allied Chemical Corp.
(2) None.
(3) None.
(4) None.

This statement is made as of April 11, 1969.

Dated: April 18, 1969.

CARROL M. BENNETT.

[F.R. Doc. 69-5269; Filed, May 1, 1969; 8:48 a.m.]

### ALEX S. CHAMBERLAIN

### 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 April 21, 1969.

Dated: April 17, 1969.

ALEX S. CHAMBERLAIN.

[F.R. Doc. 69-5270; Filed, May 1, 1969; 8:48 a.m.]

### H. J. PECKHEISER

### 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 April 15, 1969.

Dated: April 16, 1969.

H. J. PECKHEISER.

[F.R. Doc. 69-5271; Filed, May 1, 1969; 8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

### HUMANELY SLAUGHTERED LIVESTOCK

### Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 381.1, the lists (34 2330, 5084, and 6125) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (34 Stat. 1260, as amended by Public Law 90-201) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to calves and sheep with respect to Walden Packing Co., Inc., establishment 886, is deleted. The reference to swine with respect to Greensboro Packing Co., Inc., establishment 1825, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

| Name of establishment | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses | Mules |
|---|---|---|---|---|---|---|---|---|
| Sunnyland Packing Co. of Alabama | 56A | | | | | (*) | | |
| Highland Packing Co. | 746 | (*) | | | | | | |
| Foremost Packing Co. | 824 | | | | | (*) | | |
| Pony Express Ranch | 2398 | (*) | (*) | | | (*) | | |
| Tulare Meat Co. | 6063 | (*) | (*) | | | | | |
| Edwards Sausage Co., Inc. | 6579 | | | | | (*) | | |
| White Packing Co. | 6595 | (*) | (*) | (*) | | (*) | | |
| New establishments reported: 7. | | | | | | | | |
| Beeville Packing Co. | 377 | | | (*) | | | | |
| S. Bonaccurso & Sons, Inc. | 418 | | | (*) | | | | |
| DeWitt Packing Corp. | 456 | | (*) | | | | | |
| D & W Packing Co. | 500 | | (*) | | | | | |
| Emery Land Co. | 561 | (*) | | | | | | |
| Kummer Meat Co., Inc. | 617 | | (*) | | | | | |
| Frosty Morn Meat Co. | 731 | | (*) | | | | | |
| Mid-State Meat Co. | 741 | | | | | (*) | | |
| L. A. Frey & Sons, Inc. | 2266A | | (*) | | | | | |
| Husband Bros. Packing Co. | 2284 | | | | (*) | | | |
| J. W. Treuth & Sons, Inc. | 2612 | | | (*) | | | | |
| Wagner Provision Co., Inc. | 2770 | | (*) | | | | | |
| Double A Meat Packing Inc. | 5162 | | | | | (*) | | |
| Mount Vernon Meat Co., Inc. | 6039 | | | | | (*) | | |
| Prime Meat Products Co. | 6079 | | (*) | | | | | |
| Cuyamaca Meat Co. | 6126 | | | | | (*) | | |
| Species added: 16. | | | | | | | | |

Done at Washington, D.C., on April 28, 1969.

R. K. SOMERS,
*Deputy Administrator Consumer Protection.*

[F.R. Doc. 69-5267; Filed, May 1, 1969; 8:48 a.m.]

### Packers and Stockyards Administration

### PRINCETON LIVESTOCK AUCTION ET AL.

### Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Princeton Livestock Auction, Princeton, Ill.
Irondale Auction Co., Irondale, Mo.

Iredell Livestock Company, Turnersburg, N.C.
Temple Auction Co., Temple, Okla.
Farmer's Livestock Market, Blairsville, Pa.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 25th day of April 1969.

G. H. HOPPER,
*Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.*

[F.R. Doc. 69-5268; Filed, May 1, 1969; 8:48 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## AYERST LABORATORIES

### Notice of Filing of Petition for Food Additive Nequinate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (41-646) has been filed by Ayerst Laboratories, 685 Third Avenue, New York, N.Y. 10017, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of nequinate (methyl 7-[benzyloxy]-6-butyl-1,4-dihydro-4-oxo-3-quinolinecarboxylate) in the feed of broiler chickens as an aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati.*

Dated: April 25, 1969.

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

[F.R. Doc. 69-5256; Filed, May 1, 1969; 8:46 a.m.]

## 2,4-DICHLOROPHENYL *p*-NITROPHENYL ETHER

### Notice of Extension of Temporary Tolerances

The Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, was granted temporary tolerances for residues of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether in or on rice straw at 0.5 part per million and in or on rice at 0.1 part per million on May 20, 1968 (notice was published in the FEDERAL REGISTER of May 28, 1968; 33 F.R. 7775), which will expire May 20, 1969.

The firm has requested a 1-year extension of the temporary tolerances to obtain additional experimental data. The Commissioner of Food and Drugs has determined that such an extension of the temporary tolerances will protect the public health. A condition under which these temporary tolerances are extended is that the herbicide will be used in accordance with the temporary permits issued by the U.S. Department of Agriculture. Distribution will be under the Rohm and Haas Co. name. These extended temporary tolerances expire on May 20, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 28, 1969.

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

[F.R. Doc. 69-5246; Filed, May 1, 1969; 8:46 a.m.]

## NOVOBIOCIN PREPARATIONS FOR ORAL AND PARENTERAL USE

### Drugs for Human Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following oral and parenteral forms of novobiocin:

1a. Albamycin Mix-O-Vial, Powder for Injection; 500 milligrams of novobiocin, as sodium novobiocin, per vial;

b. Albamycin Capsules; 250 milligrams of novobiocin, as sodium novobiocin, per capsule;

c. Albamycin Syrup; 125 milligrams of novobiocin, as calcium novobiocin, per 5 cubic centimeters; all marketed by the Upjohn Co., 301 Henrietta Street, Kalamazoo, Mich. 49001.

2. Cathomycin Sodium Capsules; 250 milligrams of novobiocin, as novobiocin sodium, per capsule; marketed by Merck & Co., Inc., Rahway, N.J. 07065.

The Food and Drug Administration has concluded that novobiocin is effective for certain indications and is appropriate for use under the qualifications stated herein.

Preparations containing novobiocin are subject to certification pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. Batches of the drug for oral or parenteral use for which certification is requested should provide for labeling information in accord with labeling guidelines developed on the basis of this reevaluation of the drug and published in this announcement. The holders of antibiotic forms 5 or 6 approved for a drug of the kind described above are requested to submit, within 30 days after publication hereof in the FEDERAL REGISTER, supplements to their antibiotic form 5 or 6 applications to provide for revised labeling. Those parts of the labeling indicated below should be substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

NOVOBIOCIN

WARNING

Novobiocin Should be Used Only for Those Serious Infections Where Other Less Toxic Drugs Are Ineffective or Contraindicated, Because of the Following:

1. The High Frequency of Adverse Reactions, Including Hepatic Dysfunction, Blood Dyscrasias, and Rashes.
2. The Rapid and Frequent Emergence of Resistant Strains, Especially Staphylococci.
3. Its Spectrum of Antibacterial Activity Is Covered by Several Other Safer and More Effective Drugs.

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

In vitro novobiocin shows activity against *Staphylococcus aureus* and against some strains of *Proteus vulgaris.* It shows no cross-resistance with penicillin against resistant strains of *M. pyogenes* var. *aureus* (*Staphylococcus aureus*); however, in vitro studies indicate that *M. pyogenes* var. *aureus* very rapidly develops resistance to novobiocin.

INDICATIONS

Novobiocin is indicated only for the treatment of serious infections due to susceptible strains of *Staphylococcus aureus* when the patient is sensitive or there is other contraindication to other effective antibiotics, such as the penicillins, cephalosporins, vancomycin, lincomycin, erythromycin, and the tetracyclines.

Add for the oral forms: Novobiocin may be useful in the few urinary tract infections caused by Proteus species sensitive to novobiocin but resistant to other therapy.

CONTRAINDICATIONS

This drug should not be administered to persons with known sensitivity to novobiocin.

WARNING

Because novobiocin has been shown to affect bilirubin metabolism adversely, its use should be avoided in newborn and premature infants.

PRECAUTIONS

Novobiocin possesses a high index of sensitization and appropriate precautions should be taken. If allergic reactions develop during treatment and are not readily controlled by the usual measures, the product should be discontinued.

Hepatic and hematologic studies should be made routinely during treatment. In the case of development of liver dysfunction, the drug should be stopped. If hematologic

studies show evidence of the development of leukopenia or other blood dyscrasias, the drug should be stopped.

If new infections appear during therapy, appropriate measures should be taken and consideration given to discontinuance of novobiocin.

ADVERSE REACTIONS

A high incidence of adverse reactions has been reported with the use of this drug.

Leukopenia and other blood dyscrasias, including anemia, pancytopenia, eosinopenia, agranulocytosis, and thrombocytopenia, have been reported.

Reversible liver dysfunction has been reported.

Skin eruption may take the form of urticarial, erythematous, maculopapular, or a scarlatiniform rash, including exudative erythema multiforme (Stevens-Johnson Syndrome).

Pain at the site of injection as well as nausea and vomiting, loose stools, and diarrhea when the drug is taken orally may occur.

Alopecia as well as intestinal hemorrhage have been reported.

DOSAGE AND ADMINISTRATION

1. *Parenteral.* This method of administration should be used only as a temporary measure in severe infections for those unable to take the preparation orally.

Adults: 500 milligrams intramuscularly or intravenously every 12 hours.

Children: Moderately acute infections—15 milligrams per kilogram per day in two divided doses at 12-hour intervals; severe infections—up to 30 milligrams per kilogram per day in two divided doses at 12-hour intervals.

2. *Oral.* Adults: Usually 250 milligrams every 6 hours or 500 milligrams every 12 hours. In severe cases, 500 milligrams every 6 hours or 1.0 gram every 12 hours.

Children: Moderately acute infections—15 milligrams per kilogram per day in divided doses; severe infections—30–45 milligrams per kilogram per day in divided doses.

The firms listed above have been mailed a copy of the NAS–NRC reports. Any manufacturer, packer, or distributor of a drug of composition and labeling similar to the subject drugs or any other interested person may also obtain a copy from the office named below.

Communications forwarded in response to this announcement should be directed to the attention of the appropriate office listed below and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

Requests for NAS–NRC report: Press Relations Office (CE–300).

Supplements: Division of Anti-infective Drugs (MD–140), Office of New Drugs, Bureau of Medicine.

Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507; 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 25, 1969.

HERBERT L. LEY, Jr.,
*Commissioner of Food and Drugs.*

[F.R. Doc. 69–5247; Filed, May 1, 1969; 8:46 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

### CROCKER-CITIZENS NATIONAL BANK

### Notice of Approval of Applicant as Trustee

In F.R. Doc. 66–4354 appearing in the FEDERAL REGISTER issue of April 20, 1966 (31 F.R. 6068), notice was given that Crocker-Citizens National Bank had been approved as a trustee pursuant to Public Law 89–346 and 46 CFR 221.21–221.30.

Notice is hereby given that under a merger of Crocker-Citizens National Bank into Crocker Bank, National Association, which was effected April 21, 1969, the survivor national banking association assumed the name of Crocker-Citizens National Bank, with offices at 1 Montgomery Street, San Francisco, Calif., and that said Crocker-Citizens National Bank has been approved as a trustee pursuant to Public Law 89–346 and 46 CFR 221.21–221.30.

Dated: April 29, 1969.

M. I. GOODMAN,
*Chief, Office of Ship Operations.*

[F.R. Doc. 69–5295; Filed, May 1, 1969; 8:50 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Federal Highway Administration

### NATIONAL HIGHWAY SAFETY BUREAU

### Gulf Tire & Supply Co.; Withdrawal of Approved Code Mark

On June 7, 1968, the Director of the National Highway Safety Bureau issued a list of approved code marks which had been assigned to tire manufacturers to enable them to comply with section 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1421) and paragraph S4.3 of Motor Vehicle Safety Standard No. 109 (49 CFR 371.21), both of which require that tires be labeled with either the name of the manufacturer or a brand name and an approved code mark which would permit the seller of the tire to identify the manufacturer to a purchaser upon his request. The list was published at 33 F.R. 8609. Included in the list was code number 173 which had been assigned to Gulf Tire & Supply Co.

The National Highway Safety Bureau has determined, after investigation, that Gulf Tire & Supply Co. is not a manufacturer of tires within the meaning of section 201 of the Act and paragraph S4.3 of Standard No. 109. Therefore, approved code number 173 has been withdrawn, and Gulf Tire & Supply Co. has been notified that all tires bearing its trademark manufactured after May 15, 1969, must be labeled with either the name of the manufacturer or with a brand name and an approved code mark.

This notice is issued under the authority of sections 103, 119, and 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407, 1421).

Issued on April 24, 1969.

ROBERT BRENNER,
*Acting Director,*
*National Highway Safety Bureau.*

[F.R. Doc. 69–5255; Filed, May 1, 1969; 8:47 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69–4–114]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Agreement Relating to Specific Commodity Rates

APRIL 25, 1969.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Docket 18650, Agreement CAB 20745, R–59 and R–60.

By Order 69–4–54, dated April 10, 1969, the Board deferred action with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 10 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the Board herein will make final its tentative conclusions in Order 69–4–54.

*Accordingly, It is ordered,* That:

Agreement CAB 20745, R–59 and R–60, be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

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

[F.R. Doc. 69–5285; Filed, May 1, 1969; 8:49 a.m.]

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[Docket No. 20812]

### HOUSEHOLD GOODS AIRFREIGHT FORWARDER INVESTIGATION

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 4, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Notice is further given that motions, or petitions, proposed procedural dates,

proposed statements of issues and request for evidence, if any, shall be served upon the Examiner and all parties to the proceeding on or before May 28, 1969, except that the Bureau of Operating Rights will file its proposal on or before May 21, 1969.

For information purposes holders who have filed applications for renewal of operating authorizations expiring July 9, 1969, pursuant to ordering paragraph 3 of order 69-3-43 are: Ace Van and Storage Co., Inc. doing business as Ace Freight Forwarding Co.; Bader Bros. Van Lines, Inc.; Bekins Airvan Co.; Cartwright International Van Lines, Inc.; Columbia Export Packers, Inc.; Continental Forwarders, Inc.; Dean Van Lines, Inc.; Engel Brothers, Inc.; Global Van Lines, Inc.; International Export Packers; Jet Forwarding, Inc.; National Movers Co., Inc.; Security Van Lines, Inc.; Sunpak Movers, Inc.; Vanpac Carriers, Inc., doing business as Thru-Flight Air Freight Forwarding Co.; B. von Paris & Sons, Inc.; and Wheaton Van Lines, Inc.

Dated at Washington, D.C., April 28, 1969.

[SEAL] THOMAS L. WRENN,
*Chief Examiner.*

[F.R. Doc. 69-5286; Filed, May 1, 1969; 8:49 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 115-2]

## PIQUA NUCLEAR POWER FACILITY

### Notice of Termination of Operating Authorization

The Atomic Energy Commission has terminated Operating Authorization No. DPRA-2 which authorized the city of Piqua (COP) to operate the Piqua Nuclear Power Facility (PNPF) located in Piqua, Ohio. On August 7 and December 16, 1968, the Commission issued orders authorizing COP to dismantle the PNPF and decontaminate the facility in accordance with the PNPF Retirement Plan.

Representatives of the Commission have inspected the PNPF and have verified that it has been dismantled and disposition made of its component parts as described in the PNPF Retirement Plan. The Commission inspectors have further verified that the remaining structure has been decontaminated to radiation levels suitable for unrestricted occupancy in accordance with the requirements of 10 CFR Part 20.

Accordingly, the Commission has found that termination of Operating Authorization No. DPRA-2 for the PNPF will not be inimical to the common defense and security or to the health and safety of the public.

Copies of the Commission's (1) Operating Authorization Termination Order, and (2) the PNPF application for termination dated February 4, 1969, are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 24th day of April 1969.

For the Atomic Energy Commission.

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

[F.R. Doc. 69-5231; Filed, May 1, 1969; 8:45 a.m.]

# CIVIL SERVICE COMMISSION

## CERTAIN STATISTICIAN, IRS DATA CENTER, DETROIT, MICH.

### Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on April 17, 1969, for the single position of Statistician, GS-1530-13, IRS Data Center, Detroit, Mich. This finding terminates when the position has been filled.

Assuming other legal requirements are met, the appointee to this position may be paid for the expenses of travel and transportation to first post of duty.

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

[F.R. Doc. 69-5281; Filed, May 1, 1969; 8:49 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 17441, 18525; FCC 69-415]

## BETTER T.V., INC., AND NEW YORK TELEPHONE CO.

### Memorandum Opinion and Order Designating Complaint and Application for Consolidated Hearing

In the matter of Better T.V., Inc., of Dutchess County, N.Y., Complainant, v. New York Telephone Co., Defendant, Docket No. 17441; New York Telephone Co., application for a Certificate of Public Convenience and Necessity for construction and operation of CATV channel facilities in Hyde Park, N.Y., Docket No. 18525, File No. P-C-7271.

1. The Commission has under consideration a complaint and petition for order to show cause filed on May 10, 1967 (Complaint) by Better T.V., Inc., of Dutchess County, New York (Better T.V. or complainant) and pleadings related thereto. Also before the Commission are: (a) the above-captioned application filed by New York Telephone Co. (Telco or defendant), for certification, pursuant to section 214(a) of the Communications Act, of construction and operation of CATV channel distribution facilities in Hyde Park, N.Y.; (b) "Petition To Deny Application For Certificate of Public Convenience and Necessity, Complaint and Request for Investigation and Hearing" timely filed by Better T.V. on December 23, 1968 (Petition); (c) a reply timely filed by Telco on January 6, 1969; and (d) a response filed by Better T.V. on January 15, 1969.

2. This proceeding was initiated by the above-mentioned Complaint directed against Telco. Better T.V. alleged therein that Telco was unlawfully constructing CATV channel facilities in Hyde Park, N.Y.:

> under alleged FCC Tariff No. 34 in order for defendant and its parent company (A.T. & T.) to monopolize the ownership and control of CATV facilities immediately in Hyde Park and eventually throughout the State of New York and throughout the United States.

in violation of the antitrust laws. Better T.V. requested the Commission to expedite consideration of its complaint immediately and separately from the proceeding in Docket No. 17333 "to prevent the immediate demise of complainant." On July 26, 1967, we denied such request and deferred action on said Complaint until the conclusion of the proceeding in Docket No. 17333.[1]

3. On June 26, 1968, we released our decision in Docket No. 17333 which required, among other things, that Telco:

> Cease and desist from the further construction of any facilities for the purpose of providing channel service to CATV systems until applications for certificates of public convenience and necessity have been filed as required by section 214 of the Act and Part 63 of the rules for such construction and approval therefor is obtained from the Commission.[2]

4. On November 22, 1968, the subject Telco application (P-C-7271) for section 214 certification of CATV distribution facilities in Hyde Park, N.Y., was accepted for filing. In its petition directed against the application, Better T.V. requested: (a) Denial of the application; (b) investigation and hearing re Telco and A.T. & T.'s practices relating to the furnishing of CATV channel service and pole-line attachments to CATV systems; and (c) deferral of action on all Bell System applications for section 214 certification of facilities throughout the Nation pending the requested investigation of practices alleged to be in violation of the antitrust laws. The facts and arguments contained in its previously filed complaint were incorporated by reference in its petition by Better T.V.

5. In its reply to the petition, Telco denied as "wild charges" Better T.V.'s allegations that Telco had delayed in entering into a pole attachment contract with Better T.V. and that Telco's activities in CATV violated the antitrust laws. Telco noted that such charges were simply a rehash of Better T.V.'s complaint which it had already answered. Telco

[1] Better T.V., Inc., of Dutchess County, N.Y., et al., 9 F.C.C. 2d 166 (1967).

[2] General Telephone Company of California et al., 13 F.C.C. 2d 448, 471. Oral argument was held before the United States Court of Appeals for the District of Columbia Circuit on Feb. 17, 1969, on an appeal of the Commission's decision in Docket No. 17333 by respondents therein, including Telco and A.T. & T.

attached a copy of its previously filed answer to Better T.V.'s complaint.[3]

6. Better T.V. alleges that Telco deliberately delayed in granting a pole attachment contract to it and in implementing such contract, while it proceeded with haste to grant and process an application of a rival CATV operator, U.S. Cablevision Corp., for channel service under a tariff offering. It is further alleged that this tends to concentrate the ownership of the capital assets of the CATV system in Hyde Park in Telco. Better T.V. argues that, if such conduct is not halted by the Commission, the result will be the eventual monopoly of CATV systems throughout the nation by Telco and its parent company, A.T. & T., in violation of the antitrust laws. Such charges are denied by Telco. Each seeks to blame the other for delays in reaching a pole attachment agreement. For example, Telco contends that Better T.V. had not furnished it with insurance 18 months after Better T.V. knew specifically what was required under the agreement. On the other hand, Better T.V. argues that such delay was caused solely by Telco's "unusual and inordinate requests" out of proportion to the purpose to be accomplished by the furnishing of insurance policies. Telco also contends that Better T.V. delayed in furnishing necessary information as to its head-end location until 3 months after it applied for the pole attachment agreement. On the other hand, Better T.V. argues that the engineering and legal fees required in connection with determining such location could not prudently be spent until the pole attachment agreement was secured. These examples serve merely to illustrate many such recriminations raising factual issues which appear capable of resolution only by evidentiary hearings.

7. It is noted that issues pending before the Commission in the consolidated hearings in Dockets Nos. 16928, 16943, and 17098 involve, among other things, alleged unlawful anti-competitive poleline attachment practices and antitrust violations of Telco and A.T. & T. Insofar as Better T.V. requests that a general investigation and hearing be instituted into these matters, it is our view that the consolidated hearings will provide an adequate forum in which to ascertain the relevant facts and to determine such action as may be required. Thus, we believe it more conducive to orderly procedure to permit Better T.V. leave to intervene in said proceedings than to institute a separate proceeding which would essentially duplicate the investigation already scheduled in those proceedings. The hearing examiner in those proceedings is hereby authorized to grant such leave to intervene as he deems appropriate in the light of the views expressed herein and the exercise of his discretion in the conduct of that hearing.

8. It is further noted that Better T.V.'s petition, although specifically directed only against the subject Telco application, also urged, among other things, that no section 214 certification be granted to any Bell System company until the Commission had investigated the extent to which Bell companies may have "abused the public trust" or "engaged in anticompetitive activities individually or collectively contrary to public policy * * *." We do not believe that the petition provides sufficient justification for the action it urges the Commission to take. Better T.V. alleges, in effect, the existence of a Bell System anticompetitive plan on a nationwide basis. However, the petition fails to make the kind of prima facie showing necessary to establish the existence of any such predatory objective. Better T.V. has not shown that an indefinite freeze pending investigation of all CATV channel construction by the Bell System, with the adverse consequences for needed public service such action would entail, is warranted. By this we do not mean that an inquiry into the Bell System's practices and policies as they may impact upon competition in this field is not in order. As indicated above, we are of the view that an inquiry by the Commission into these practices and their competitive effects is already the subject of an appropriate proceeding. The Common Carrier Bureau, pursuant to our instructions[4] and delegated authority, has been acting on certain uncontested applications filed by Bell System companies pursuant to section 214 (a) of the Communications Act for certification of construction or operation of CATV channel facilities. We are not persuaded that modification is required in the present practice of staff action upon routine applications for section 214 certification (including those which: request certification of CATV channel facilities or operations which are uncontested; do not involve an affiliation or substantial relationship between the applicant and its customer; comply with our interim policies; and which, on their face, seem sound and in compliance with our decision in Docket No. 17333). Accordingly, we will deny Better T.V.'s petition insofar as it asks us to defer action on all Bell System applications for section 214 certification of facilities throughout the nation, whether such applications are specifically contested or not, pending our investigation of alleged unlawful anticompetitive activities by Bell System companies.[5]

9. As noted above, Telco has denied Better T.V.'s charges that it unlawfully delayed in granting and implementing a pole attachment contract with Better T.V. while hastening to grant and process a rival CATV operator's application for channel service. Telco further argues, in effect, that "in any event, competitive effect on anyone but another common carrier" is never relevant in a section 214 proceeding. We do not agree. Telco relies upon CATV and TV Repeater Services, 26 F.C.C. 403, 432 (1959); Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470 (1940); L. Singer & Sons v. Union Pacific R. Co., 311 U.S. 295 (1940); and City of Pittsburgh v. Federal Power Commission, 237 F. 2d 741 (1956) in support of its contention. Such authorities do not support said contention. Telco relies upon a statement in our report and order in CATV and TV Repeater Services which specified certain matters to be considered in passing upon common carrier applications. We expressly noted therein that the "simplified statement of matters to be considered is only an example, it being obvious that competitive common carrier considerations, or other particular problems, may involve other points of inquiry." Thus, it was readily apparent, even as early as 1959, that we did not necessarily consider ourselves limited to considering competitive effect only upon another common carrier in passing upon a common carrier application. Certainly, after judicial affirmation of our landmark Carter Mountain decision, no doubt should remain as to our right to deny authority for construction and operation of common carrier facilities because of economic impact upon a competitor of the carrier's proposed customer when such competitor provides television service to members of the public who might suffer a diminution, reduction, or complete deprivation of television service as the result of such impact.[6] In Carter Mountain, the U.S. Court of Appeals held that we were entitled, if indeed not obliged, to consider the end use or result of an application before us, citing a Supreme Court pronouncement in Federal Power Commission v. Transcontinental Gas Pipe Line Corp., 365 U.S. 1 (1961).[7] In the Sanders case, the Supreme Court held that resulting economic injury to a rival station was not, in and of itself, and apart from considerations of public convenience, interest, or necessity, an element that the Commission must weigh in passing on an application for a broadcast license. The Court did not hold that the Commission must disregard questions of competition between a proposed station and an operating one when the result of such competition might have a vital and important bearing upon whether or not the public received adequate service. When economic

[3] Better T.V. filed a "response" to Telco's reply in order to attach and incorporate by reference its own previously filed reply to Telco's answer to its complaint. Such response is an unauthorized pleading under the Commission's interim procedures applicable to section 214 applications for CATV channel facilities (Public Notice—C, Aug. 9, 1968, FCC 68-816, Mimeo No. 19773; 33 F.R. 11559). However, Better T.V.'s timely filed reply to Telco's answer is properly before us and has been fully considered.

[4] See Southern Bell Telephone and Telegraph Co., 16 F.C.C. 2d 491, 496.

[5] The petition is defective under § 1.44(a) of our rules for improperly combining a request for investigation and hearing under section 403 of the Act, requiring action by the Commission, with a request concerning the subject application for section 214 authority, a matter over which the Chief of the Common Carrier Bureau has delegated authority to act under § 0.294(a) of our rules.

[6] Carter Mountain Transmission Corp. v. Federal Communications Commission, 321 F. 2d 359 (C.A.D.C.), cert. den. 375 U.S. 951.

[7] Carter Mountain Transmission Corp. v. Federal Communications Commission, 321 F. 2d 359, 363.

injury to an entity providing television service to the public may result in a diminution or reduction of service to the public, we cannot entirely disregard or close our eyes to the question of competition. The other cases cited by Telco also fail to support its contention.

10. In the case before us, Telco concedes that Better T.V. and U.S. Cablevision are both providing CATV service in Hyde Park and that the areas in which they operate overlap to some extent. Even though Better T.V.'s services are dependent upon a pole-line attachment arrangement with Telco, whereas U.S. Cablevision's services are dependent upon Telco's tariff offering, a question is raised whether the subject CATV channel distribution facilities are required, or whether such facilities, at least in part, may be unnecessary or constitute wasteful duplication.

11. In view of the foregoing, and since we are unable to resolve on the record before us substantial factual issues bearing upon whether the present or future public convenience and necessity require or will require the construction and operation for which certification is requested in the subject application, we shall designate the application for hearing on the issues set forth below.

12. In addition to the subject application, a number of similar pending applications filed by Telco for CATV facilities in various communities throughout the state of New York have been contested.[7] Pleadings directed against such applications allege, among other things: undermining of local "franchising" authorities, threatened destruction of CATV "franchised" operations, and wasteful duplication of existing CATV "franchised" facilities by Telco and subscribers to its leased CATV channel service;[8] undue discrimination by Telco relative to its tariff offering to construct and operate CATV distribution facilities;[9] and preferential treatment by Telco to subscribers of leased CATV channel facilities vis-a-vis persons merely leasing pole space;[10] in addition to alleging unlawful anti-competitive pole line attachment practices and policies by A.T. & T. and its subsidiaries, including Telco. It appears that some or all of these applications may be designated for hearing after preliminary processing is completed. Such hearings may be consolidated with this proceeding where appropriate. Accordingly, in order not to delay an early resolution of the legal and policy questions posed by the above-mentioned pleadings, and because we believe that their participation will assist the Commission, we shall permit leave to intervene in this proceeding, upon the filing of an appropriate pleading on or before 30 days after the publication in the FEDERAL REGISTER of our order herein, to the following persons or entities: The American Telephone and Telegraph Co.; Broadway Maintenance CATV Corp.; Cablevision Enterprises, Inc.; Catskill Cablevision Corp.; The City of New York; Comtel, Inc.; Dimension Cable TV, Inc.; Hightower of Poughkeepsie, Inc.; Hudson Valley Cablevision Corp.; Listfax Corp.; Manhattan TV Cable Services; Mid-Hudson Cablevision, Inc.; Sterling Information Services, Ltd.; Suffolk Cable Corp.; TelePrompTer Manhattan CATV Corp.; Vermont New York Television, Inc.; and WEOK Cablevision, Inc.

13. *Accordingly, it is ordered*, That, pursuant to sections 208, 214(a), and 403 of the Communications Act of 1934, as amended, the complaint in Docket No. 17441, and the above-captioned application of New York Telephone Co. (File No. P-C-7271) are hereby designated for consolidated hearing, at the Commission's offices in Washington, D.C., on a date and before an examiner to be specified by further order, upon the following issues:

(a) To determine the facts with respect to the grant and denial by New York Telephone Co., of poleline attachment agreements or arrangements with CATV operators in Hyde Park, N.Y., and the policies and practices underlying such actions;

(b) To determine whether said actions, policies, and practices, relative to New York Telephone Co.'s tariff offering, subjected Better T.V., Inc., or any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage, or extended any undue or unreasonable preference or advantage to U.S. Cablevision Corp., or to any person, class of persons, or locality;

(c) To determine whether the present or future public convenience and necessity require or will require the construction and operation for which certification is requested in the subject application;

(d) To determine, in the event of an affirmative finding under issue (c) above, what conditions, if any, should attach to a grant of the subject application; and

(e) To determine, in light of the evidence adduced under the foregoing issues, what further action, if any, the Commission should take.

14. *It is further ordered*, That New York Telephone Co.; Better T.V., Inc.; U.S. Cablevision Corp.; the Chief, Common Carrier Bureau; and the Chief, CATV Task Force, are made parties to the proceeding.

15. *It is further ordered*, That leave to intervene in this proceeding shall be granted to any of the persons or entities listed in paragraph 12 above upon the filing of an appropriate pleading within 30 days after the publication of this order in the FEDERAL REGISTER.

16. *It is further ordered*, That the burden of proceeding and the burden of proof upon issues (a) and (c) shall be upon New York Telephone Co.; that the burden of proof upon issue (b) shall be upon Better T.V., Inc.; and that the burden of proof upon issues (d) and (e) shall be upon the party, or parties, urging conditions or actions, respectively.

17. *It is further ordered*, That the complaint and petition filed by Better T.V., Inc., on May 10, 1967, and on December 23, 1968, respectively, are granted to the extent herein indicated and denied in all other respects.

18. *It is further ordered*, That the parties desiring to participate herein shall file their appearance in accordance with § 1.221 of the Commission's rules.

Adopted: April 23, 1969.

Released: April 29, 1969.

FEDERAL COMMUNICATIONS COMMISSION[12]

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

[F.R. Doc. 69-5283; Filed, May 1, 1969; 8:49 a.m.]

[Docket No. 16928 etc.; FCC 69-414]

## CALIFORNIA WATER & TELEPHONE CO. ET AL.

### Memorandum Opinion and Order Amending Orders of Investigation

In the matter of California Water & Telephone Co., Tariff FCC No. 1 and Tariff FCC No. 2, applicable to channel service for use by Community Antenna Television Systems, Docket No. 16928; in the matter of The Associated Bell System Cos., tariffs for channel service for use

[7] The applications are for authorization of construction or operation of CATV channel distribution facilities for: Hudson Valley Cablevision Corp., in or near Titusville, Poughkeepsie, and La Grange (P-C-7114); Dimension Cable TV, Inc., in or near Plattsburgh (P-C-7116); Hightower of Poughkeepsie, Inc., in or near Arlington, Poughkeepsie, and La Grange (P-C-7117); Catskill Cablevision Corp., in or near Catskill (P-C-7118); Comtel, Inc., in the Borough of Manhattan, New York City (P-C-7226); WEOK Cablevision, Inc., in or near Poughkeepsie and La Grange (P-C-7247); Cablevision Enterprises, Inc., in or near Poughkeepsie, La Grange, and Pleasant Valley (P-C-7248); Broadway Maintenance CATV Corp., in or near Brookhaven (P-C-7255); and Manhattan Cable Television in the Borough of Manhattan, New York City (P-C-7282).

[8] See affidavit of Morris Tarshis, Director, Board of Estimate, City of New York, received November 29, 1968 relating to Telco application P-C-7226 and "Joint Petition to Deny" filed by TelePrompTer Manhattan CATV Corp., and Manhattan TV Cable Services on Nov. 14, 1968, directed against Telco application P-C-7226.

[9] See "Statement in Opposition to Application" filed by Comtel, Inc., on Jan. 22, 1969, directed against Telco application P-C-7282.

[10] See, for example, "Joint Supplemental Comments in Partial Opposition", filed by WEOK Cablevision, Inc., and Cablevision Enterprises, Inc., on Jan. 13, 1969, directed against Telco applications P-C-7114, P-C-7117, P-C-7247, and P-C-7248.

[12] Commissioner Bartley absent; Commissioners Johnson and H. Rex Lee concurring in the result.

by Community Antenna Television Systems, Docket No. 16943; in the matter of The General Telephone System and United Utilities, Inc., Cos., tariffs for channel service for use by Community Antenna Television Systems, Docket No. 17098.

1. The Commission has under consideration Tariff FCC No. 1 of Bethel & Mount Aetna Telephone & Telegraph Co.; Tariff FCC No. 1 of the Brazil Telephone Co., Inc.; Tariff FCC No. 1 of Central Iowa Telephone Co.; Tariff FCC No. 1 of Delaware Valley Telephone Co.; Tariff FCC No. 1 of Elkhart Telephone Co.; Tariff FCC No. 1 of General Telephone Co. of Alabama; Tariff FCC No. 1 of General Telephone Co. of Florida; Tariff FCC No. 1 of General Telephone Co. of Georgia; Tariff FCC No. 1 of General Telephone Co. of Illinois; Tariff FCC No. 1 of General Telephone Co. of Iowa; Tariff FCC No. 1 of General Telephone Co. of Kentucky; Tariff FCC No. 1 of General Telephone Co. of Missouri; Tariff FCC No. 1 of General Telephone Co. of Nebraska; Tariff FCC No. 1 of General Telephone Co. of North Carolina; Tariff FCC No. 9 of General Telephone Co. of the Northwest, Inc.; Tariff FCC No. 8 of General Telephone Co. of the Southeast; Tariff FCC No. 1 of General Telephone Co. of Upstate New York, Inc.; Tariff FCC No. 1 of General Telephone Co. of Wisconsin; Tariff FCC No. 1 of Mutual Telephone Co., Inc.; Tariff FCC No. 1 of Northern Ohio Telephone Co.; Tariff FCC No. 1 of Pee Dee Telephone Co., Inc.; Tariff FCC No. 1 of Princeton Telephone Co.; Tariff FCC No. 1 of Sheldahl Telephone Co.; Tariff FCC No. 1 of Suburban Telephone Co.; Tariff FCC No. 1 of Tri-County Telephone Co.; Tariff FCC No. 1 of Wattsburg Telephone Corp.; Tariff FCC No. 1 of Woodburn Telephone Co., Inc.; Tariff FCC No. 1 of York Telephone & Telegraph Co.; and Tariff FCC No. 8 of Hawaiian Telephone Co. The above-named companies are operating subsidiaries of General Telephone & Electronics Corp. (General Telephone System). All of these tariffs are now in effect and purport to offer Wide Spectrum Service for use by Community Antenna Television Systems (CATVs).

2. The Commission also has under consideration Tariff FCC No. [1] of United Telephone Co. of Indiana, Inc.; and Tariff FCC No. 1 of United Telephone Company of New Jersey.[2] These are tariffs of companies that are operating subsidiaries of United Utilities, Inc., and purport to offer Wide Spectrum Service for use by CATVs.

3. The Commission also has under consideration Tariff FCC No. 1 of South Central Bell Telephone Co. This tariff purports to offer channel service for use by CATVs.

4. The Commission by order of October 20, 1966, 5 FCC 2d 357, in Docket No. 16943, instituted an investigation into the lawfulness of CATV channel service tariffs of the various companies of the Associated Bell System. The Commission by order of January 11, 1967, 6 FCC 2d 434, in Docket No. 17098, instituted an investigation into the lawfulness of CATV channel service tariffs of the various companies in The General Telephone System and United Utilities, Inc., System.[3]

5. The tariffs listed in paragraphs one through three above were filed subsequent to our October 20, 1966, and January 11, 1967, orders of investigation in Dockets 16943 and 17098 and we are of the opinion that such orders should be amended to include investigation of the lawfulness of these later filed tariffs.

6. The Commission also has under consideration Tariff FCC No. 1 of Carolina Telephone and Telegraph Co.; Tariff FCC No. 1 of Heins Telephone Co.; and Tariff FCC No. 1 of Ashtabula Telephone Co. These are tariffs of independent telephone companies that purport to offer channel service for use by CATV's. As these tariffs involve the same questions under consideration in Dockets Nos. 16928, 16943, and 17098, we are of the opinion that the consolidated proceeding should include investigation of the lawfulness of these tariffs and that Carolina Telephone & Telegraph Co., Heins Telephone Co., and Ashtabula Telephone Co., be joined as parties respondent in the consolidated proceedings.

7. The Commission also has under consideration a petition filed on April 25, 1968, by the National Cable Television Association, Inc. (NCTA), requesting the Commission to reject the wide spectrum tariffs filed by 10 operating companies of United Utilities, Inc.[3] Generally NCTA alleges that the tariffs are unjust and unreasonable for failure to specify any service offering; the charges specified in the tariffs and their classification are discriminatory, unjust and unreasonable; that the tariffs violate Part 61 of the Commission's rules; and that the telephone companies through these tariffs are attempting to control all uses of broad-band cable. We believe that the petition of NCTA must be dismissed. With the exception of Tariff FCC No. 1 of United Telephone Company of Indiana, Inc., the tariffs of the nine operating companies named in the petition are successive issues of the tariffs placed under investigation by our aforesaid order in Docket No. 17098. As such, the tariffs and the services rendered under them are automatically under investigation in that proceeding. Similarly, the operating companies (again with the exception of Indiana) were named as party respondents to the proceeding and continue to be such. This memorandum opinion and order amends our aforesaid order by adding Tariff FCC No. 1 to the list of tariffs shown therein; and names the telephone company as a party respondent to that proceeding. In light of the above, the issues as formulated by the Commission in Docket No. 17098, to which NCTA is a party, are broad enough to include resolution of the questions raised by NCTA's petition.

8. *Accordingly, it is ordered*, That paragraph 1 of our order in Docket No. 17098, adopted January 11, 1967, 6 FCC 2d 434, is hereby amended by adding those tariffs listed in paragraph 1 above to the list of tariffs shown therein;

9. *It is further ordered*, That paragraph 2 of our aforesaid order in Docket No. 17098, is hereby amended by adding Tariff FCC No. 1 of United Telephone Company of Indiana, Inc.; and Tariff FCC No. 1 of United Telephone Company of New Jersey to the list of tariffs shown therein;

10. *It is further ordered*, That paragraph 8 of the aforesaid order, adopted January 11, 1967, is hereby amended to name the telephone companies listed in paragraphs 1 and 2 above as party respondents in Docket No. 17098;

11. *It is further ordered*, That paragraph 1 of our order in Docket No. 16943, adopted October 20, 1966, 5 FCC 2d 357, is hereby amended by adding Tariff FCC No. 1 of South Central Bell Telephone Co., to the list of tariffs shown therein;

12. *It is further ordered*, That paragraph 10 of our aforesaid order, adopted October 20, 1966, is hereby amended to name South Central Bell Telephone Co., as party respondent in Docket No. 16943;

13. *It is further ordered*, That Carolina Telephone & Telegraph Co., Heins Telephone Co., and Ashtabula Telephone Co., are joined as party respondents to the consolidated proceeding in Dockets Nos. 16928, 16943, and 17098, under the issues applicable to other parties to that proceeding, and that the companies' aforementioned tariffs are accordingly placed under investigation.

14. *It is further ordered*, That the petition to reject tariffs as unlawful filed by National Cable Television Association is dismissed.

Adopted: April 23, 1969.

Released: April 29, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]

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

[F.R. Doc. 69-5284; Filed, May 1, 1969; 8:49 a.m.]

[1] New Jersey Telephone Co. concurs in the tariff filed by United Telephone Company of New Jersey but has not filed a concurrence.

[2] The tariffs of the various companies in The General Telephone System and United Utilities, Inc., System no longer purport to offer channel service. Rather all said tariffs now purport to provide Wide Spectrum Service which can be used by CATVs.

[3] Columbia-United Telephone Co., United Inter-Mountain Telephone Co., United Telephone Co. of Arkansas, United Telephone Co. of Indiana, Inc., United Telephone Co. of Iowa, United Telephone Co. of Missouri, United Telephone Co. of the Northwest, United Telephone Co. of Ohio, United Telephone Co. of Pennsylvania, and United Telephone Co. of Kansas, Inc.

[4] Commissioner Bartley absent.

# FEDERAL POWER COMMISSION

[Dockets Nos. G-5010 etc.]

## SHELL OIL CO.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 24, 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.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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-5010 C 1-23-69 | Shell Oil Co.,[2] 50 West 50th St., New York, N.Y. 10020. | El Paso Natural Gas Co., Monahans Field, Winkler County, Tex. | [3] 14.12 | 14.65 |
| G-10665 D 4-10-69 | Champlin Petroleum Co. (Operator) et al., Post Office Box 9365, Fort Worth, Tex. 76107 (partial abandonment). | Cities Service Gas Co., acreage in Grant and Alfalfa Counties, Okla. | (4) | ---------- |
| G-11958 D 4-3-69 | Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001. | Texas Eastern Transmission Corp., Henze Field, De Witt County, Tex. | Assigned | ---------- |
| CI61-624 C 4-7-69 | Shell Oil Co. (Operator) et al. | Michigan Wisconsin Pipe Line Co., Northwest Chester Field, Woodward County, Okla. | [5] 19.5 | 14.65 |
| CI61-1523 (CI63-1556) C 4-2-69 [6] | McCulloch Oil Corp. of California, Suite 1200, 6151 West Century Blvd., Los Angeles, Calif. 90045. | El Paso Natural Gas Co., Basin-Dakota Field, San Juan County, N. Mex. | 12.0 | 15.025 |
| CI62-826 A 1-24-62 E 4-30-62 | Sohio Petroleum Co. (Operator) et al. (successor to Katz Oil Co. (Operator) et al.), 970 First National Bank Bldg., Oklahoma City, Okla. 73102. | Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lopeno Field, Zapata County, Tex. | [3] 16.0 | 14.65 |
| CI63-1513 C&D 4-16-69 | Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001. | South Texas Natural Gas Gathering Co., McAllen Ranch Field, Hidalgo County, Tex. | 17.0 | 14.65 |
| CI64-841 C 4-11-69 | St. Clair Oil Co., 219 East Main St., St. Clairsville, Ohio 43950. | Equitable Gas Co., acreage in Harrison, Lewis and Upshur Counties, W. Va. | 27.0 | 15.325 |
| CI64-1422 C 4-14-69 | Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118. | Oklahoma Natural Gas Gathering Corp., South Ringwood Field, Major County, Okla. | 11.0 | 14.65 |
| CI65-855 (CI69-915) E 3-26-69 [7] | J. & M. Well Service, Inc. (successor to Glenn Dugger (Operator) et al.) Post Office Box 925, Mission, Tex. | Tennessee Gas Pipeline Co., a division of Tenneco Inc., Rincon field, Starr County, Tex. | 15.0 | 14.65 |
| CI65-1160 D 4-10-69 | Northern Natural Gas Producing Co., Post Office Box 1774, Houston, Tex. 77001. | Michigan Wisconsin Pipe Line Co., Gageby Creek Field, Wheeler County, Tex. | (8) | ---------- |
| CI66-53 D 4-1-69 | Mobil Oil Corp. | Northern Natural Gas Co., East Clark Area, Harper County, Okla. | (8) | ---------- |
| CI66-67 E 4-9-69 | Horizon Oil & Gas Co. of Texas (successor to Shell Oil Co.), 1216 Hartford Bldg., Dallas, Tex. 75201. | Baca Gas Gathering System, Inc., Flank and Midway Fields, Baca County, Colo. | 12.0 | 14.65 |
| CI66-470 C 4-9-69 | Sun Oil Company (DX Division) (Operator) et al., Post Office Box 2039, Tulsa, Okla. 74102. | Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla. | [3] 16.015 | 14.65 |
| CI66-1328 C 4-9-69 | do | Panhandle Eastern Pipe Line Co., Emmett Horrell Unit, Roger Mills County, Okla. | [3] 18.0 | 14.65 |
| CI67-685 E 3-6-69 | Henry H. Howard and Edmund Howard (successors to Cayman Corp.), Box 503, Mt. Jewett, Pa. 16740 | Pennsylvania Gas Co., Hamilton Township, McKean County, Pa. | 27.0 | 15.025 |
| CI67-1465 C 4-17-69 | Cleary Petroleum Corp. (Operator) et al., 310 Kermac Bldg., Oklahoma City, Okla. 73102. | Panhandle Eastern Pipe Line Co., North East Freedom Area, Woods County, Okla. | [3] 15.0 | 14.65 |
| CI69-210 4-16-69 [9] | Phillips Petroleum Co., Bartlesville, Okla. 74003. | Natural Gas Pipeline Co. of America, Block 118, West Cameron Area, Offshore Louisiana. | 20.0 | 15.025 |
| CI69-278 E 2-27-69 | Camino Oil Corp. (successor to Viking Drilling Co.), Post Office Box 1051, Corpus Christi, Tex. 78403. | Florida Gas Transmission Co., Citrus Grove Field, Matagorda County, Tex. | 16.0 | 14.65 |
| CI69-729 A 2-5-69 | Atlantic Richfield Co.,[2] Post Office Box 2819, Dallas, Tex. 75221. | El Paso Natural Gas Co., Azalea Field, Midland County, Tex. | 14.5 | 14.65 |
| CI69-902 [10] (G-10073) F 3-24-69 | Bachus Oil Co. (successor to Humble Oil & Refining Co.), 721 East Central, Wichita, Kans. 67202. | Cities Service Gas Co., Hardtner Field, Barber County, Kans. | 14.0 | 14.65 |
| CI69-942 (CI62-965) F 4-2-69 | J. P. Owen (Operator) et al. (successor to Gulf Oil Corp.), Post Office Box 51288, Lafayette, La. 70501. | United Gas Pipe Line Co., Garden City Field, St. Mary Parish, La. | 20.625 | 15.025 |
| CI69-944 A 4-8-69 | Davis Oil Co., c/o Jacob Goldberg, Attorney, 810 Pennsylvania Bldg., Washington, D.C. 20004. | United Fuel Gas Co., Valentine Field, Lafourche Parish, La. | 21.25 | 15.025 |
| CI69-945 (CI61-516) F 4-7-69 | Shell Oil Co. (successor to Pan American Petroleum Corp.). | Michigan Wisconsin Pipe Line Co., Northwest Chester Field, Woodward County, Okla. | [5] 17.0 | 14.65 |
| CI69-947 A 4-10-69 | Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001. | Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Delta Block 30 Field, Offshore (Zone 2), Louisiana. | 21.25 | 15.025 |

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.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI69-948..... A 4-9-69 | W. C. Miller, Suite B, 109 M & S Tower, San Antonio, Tex. 78205. | Texas Eastern Transmission Corp., Sal Del Rey Field (8150' Sand), Hidalgo County, Tex. | 16.0 | 14.65 |
| CI69-949..... A 4-9-69 | Signal Oil & Gas Co. (Operator) et al., 1010 Wilshire Blvd., Los Angeles, Calif. 90017. | Sea Robin Pipeline Co., Blocks 194, 195, 204, and 205, East Cameron Area, Gulf of Mexico. | [2] 21.25 | 15.025 |
| CI69-950..... A 4-11-69 | Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102. | Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla. | [3] 17.0 | 14.65 |
| CI69-951..... A 4-11-69 | do | do | [3] 17.0 | 14.65 |
| CI69-952..... B 4-11-69 | Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052. | El Paso Natural Gas Co., West Big Lake Field, Reagan County, Tex. | [12] | ..... |
| CI69-953..... A 4-14-69 | Prairie Producing Co., et al., 573 The Main Bldg., Houston, Tex. 77002. | Trunkline Gas Co., South Ramsey Field, Colorado County, Tex. | 17.0 | 14.65 |
| CI69-954..... A 4-14-69 | Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202. | Michigan Wisconsin Pipe Line Co., acreage in Woodward and Major Counties, Okla. | [3] 19.5 | 13.5 |
| CI69-955..... B 4-11-69 | Phillips Petroleum Co. | Diamond Shamrock Corp., Anadarko Basin Area, Lipscomb County, Tex. | [12] | ..... |
| CI69-956..... A 4-11-69 | do | Panhandle Eastern Pipe Line Co., Northeast Grand Field, Ellis County, Okla. | [3] 18.0 | 14.65 |
| CI69-957..... B 4-14-69 | Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202. | United Gas Pipe Line Co., acreage in Karnes County, Tex. | Depleted | ..... |
| CI69-958..... A 4-14-69 | Atlantic Richfield Co. | Southern Natural Gas Co., Bayou Bouillon Field, St. Martin Parish, La. | [3] [14] 21.25 | 15.025 |
| CI69-959..... (CI65-1210) F 4-14-69 [15] | Afroma Oil & Gas Co., Inc. (successor to Parker Oil & Gas Co. et al.[15]), Post Office Box 387 Corpus Christi, Tex. 78403. | Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan-Odem Field, San Patricio County, Tex. | 10.0 | 14.65 |
| CI69-960..... A 4-15-69 | Geo. P. Hill et al, 1325 Fort Worth National Bldg., Fort Worth, Tex. 76102. | Panhandle Eastern Pipe Line Co., Elsie Harrison Leases, Texas County, Okla. | [3] 18.0 | 14.65 |
| CI69-961..... A 4-16-69 | California Time Petroleum, Inc., Suite 515, Union Bank Bldg., 9460 Wilshire Blvd., Beverly Hills, Calif. 90212. | Arkansas Louisiana Gas Co., Jefferson Area, Marion County, Tex. | [16] 13.36896 | 14.65 |
| CI69-962..... A 4-16-69 | Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840. | Southern Natural Gas Co., Main Pass Area, Offshore Louisiana. | 21.25 | 15.025 |
| CI69-963..... A 4-16-69 | Davis Oil Co. | Texas Gas Transmission Corp., Savoy Field, St. Landry Parish, La. | 18.5 | 15.025 |
| CI69-964..... A 4-17-69 | Stuarco Oil Co., Inc., 2117 First National Bank Bldg., Denver, Colo. 80202. | Kansas-Nebraska Natural Gas Co., Inc., Red Lion Area, Sedgwick County, Colo. | 14.0 | 14.65 |

[1] Applicant has agreed to accept permanent authorization containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[2] Contract provided for a rate of 15.70925 cents per Mcf; however, Applicant is proposing a rate of 14.5 cents as adjusted for quality as shown in the unilaterally executed quality statement submitted as an exhibit to the application.
[3] Pressure of gas is insufficient to enter Buyer's gathering line.
[4] Plus adjustment for B.t.u. content.
[5] Adds acreage acquired from Suzanne H. Poole, Docket No. CI63-1556.
[6] Sohio proposed an initial rate of 17.24 cents per Mcf. By order issued Dec. 30, 1963, in Docket No. G-8488 et al., the Commission provided that the appropriate rate for Sohio's FPC GRS No. 72 would be subject to the determination in Docket No. CI62-1544 et al. By Opinion and Order issued Mar. 23, 1964, in Docket No. CI62-1544 et al., the "in-line" rate was determined to be 16 cents per Mcf.
[7] Application was erroneously assigned Docket No. CI69-915 as a partial succession. Docket No. CI69-915 is canceled and the application will be processed under Docket No. CI65-855 as a complete succession.
[8] Leases have expired or were canceled.
[9] Application was erroneously noticed Apr. 10, 1969, in Dockets Nos. G-11181 et al., as an initial service application and at a rate of 12 cents per Mcf. By letter filed Apr. 16, 1969 Applicant amended its application to reflect a total initial rate of 14 cents per Mcf in lieu of 12 cents.
[10] All property covered by contract has been released.
[11] Well ceased to produce in commercial quantities.
[12] 2 cents per Mcf transportation charge for plant fuel and shrinkage losses if gas is processed downstream of delivery points.
[13] Partial succession and continuation of service from assigned acreage and depths previously dedicated to Afroma Oil & Gas, Inc. (Operator), et al., FPC GRS No. 4, in Docket No. CI65-1210. Predecessors are "et al." parties under said rate schedule.
[14] Subject to deduction for compression should compression be necessary.

[F.R. Doc. 69-5154; Filed, May 1, 1969; 8:45 a.m.]

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[Dockets Nos. CP69-181, CP69-117]

## CENTRAL FLORIDA GAS CORP. AND FLORIDA GAS TRANSMISSION CO.

### Order Consolidating Proceedings Setting Hearing Date, and Prescribing Procedure

APRIL 25, 1969.

*CP69-117.* Florida Gas Transmission Co. (Florida Gas), Post Office Box 44, Winter Park, Fla. 32789 filed on October 21, 1968, under Docket No. CP69-117, pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of FPC regulations thereunder, an application for a budget-type certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline facilities and the transportation and sale of natural gas to existing distributor customers for resale in their present market areas and to gas consumers located outside the franchise area of any local distributor. The certificate would also cover miscellaneous rearrangements of Florida Gas pipeline facilities without changing any service rendered by means of such facilities. The total estimated cost of the proposed facilities will not exceed $150,000 and will be financed with internally generated funds.

The applicant alleged that it will insure that deliveries of gas to any one distributor or consumer through the proposed facilities will not exceed 100,000 Mcf of gas annually and that the gas so delivered will not be used by such distributor or consumer for boiler fuel purposes.

Notice of Florida Gas' application, setting November 22, 1968, as the final date for filing protests or petitions to intervene, was published in the FEDERAL REGISTER on November 2, 1968 (33 F.R. 16129).

On November 21, 1968, Central Florida Gas Corp. (Central Florida), Post Office Box 960, Winter Haven, Fla. 33881, filed a petition to intervene and a request that the Commission direct Florida Gas to provide, at its expense, a delivery point on Florida Gas' 6-inch natural gas pipeline near West Lake Wales, Polk County, Fla., and sell and deliver natural gas to Central Florida for resale. The petitioner alleges that Florida Gas had heretofore refused to provide petitioner with a delivery point for the proposed service.

On December 4, 1968, Florida Gas filed an answer opposing Central Florida's petition to intervene and request for an order directing sale of gas to it, and moved that the petition be dismissed for failure to comply with certain sections of the Commission's rules and regulations.

By letter dated December 12, 1968, the Commission's Secretary rejected Central Florida's petition to intervene and request for order directing sale of gas. The rejection was "without prejudice to the filing of an application pursuant to section 7(a) of the Natural Gas Act or a petition to intervene to secure an allocation of natural gas in an appropriate proceeding".

On December 17, 1968, Central Florida filed an application for rehearing of the order rejecting its petition to intervene, stating that "it is not in the public interest to grant a 'budget' application which implements Florida's discriminatory policy".

On December 27, 1968, Central Florida filed under Docket No. CP69-181, pursuant to section 7(a) of the Natural Gas Act, an application for an order directing Florida Gas to provide, at its expense, a delivery point near West Lake Wales, Polk County, Fla., and sell natural gas to Central Florida for resale to the St. Joe Paper Co. and in the community of West Lake Wales. This application will be described further hereinafter.

By order issued January 2, 1969, the Commission issued a budget-type certificate of public convenience and necessity to Florida Gas pursuant to its application under Docket No. CP69-117.

On January 7, 1969, Central Florida filed an application for rehearing and reconsideration of that order, stating that Florida Gas "has never responded to petitioner's charge that Applicant's policy is discriminatory".

By letter dated January 17, 1969, from the Commission's Secretary, Central Florida was informed that the Commission, construing Central Florida's application for rehearing as an appeal, had determined that the appeal should be

denied but without prejudice to the filing by Central Florida of an application pursuant to section 7(a) of the Natural Gas Act or a petition to intervene to secure an allocation of natural gas in an appropriate proceeding.

By order issued February 6, 1969, under Docket No. CP69–117 the Commission granted a rehearing of its order issued January 2, 1969, granting a budget type certificate to Florida Gas in order to give full consideration to the question of whether the issue of discrimination raised by Central Florida in its application for rehearing of the Commission's order of January 2, 1969, should be tried as a part of the proceeding under Docket No. CP69–117 or as part of the separate section 7(a) proceeding instituted by Central Florida under Docket No. CP69–181.

On February 17, 1969, Central Florida filed an application for rehearing of the Commission's order of January 17, 1969, denying Central Florida's petition to intervene in the proceeding under Docket No. CP69–117.

By order issued March 18, 1969, the Commission granted the rehearing sought by Central Florida in its application of February 17, 1969, "for the limited purpose of further considering the issues raised therein".

*CP69–181.* Central Florida Gas Corp. (Central Florida), Post Office Box 960, Winter Haven, Fla. 33881, filed on December 27, 1968, under Docket No. CP69–181, pursuant to section 7(a) of the Natural Gas Act, an application for an order directing Florida Gas Transmission Co. to provide, at its expense, a delivery point on Florida Gas' 6-inch natural gas pipeline near West Lake Wales, Polk County, Fla., and sell and deliver natural gas to Central Florida for resale. The applicant alleges that it owns and operates gas distribution systems serving several communities in Florida; that it purchases its entire requirements of natural gas from Florida Gas; that it has a contract to sell gas to the St. Joe Paper Co. for use in its paper box plant located in West Lake Wales; that it has a county permit covering all of Polk County; and that the delivery point requested will enable the applicant to offer service in West Lake Wales where there are approximately 20 potential residential consumers and a citrus candy plant which has indicated interest in using gas.

Attached to the application as an exhibit was a copy of a service agreement dated May 12, 1966, between Central Florida and St. Joe Paper Co., Jacksonville, Fla., for the sale and delivery on an interruptible basis of an annual contract quantity of 100,000 therms and a maximum daily quantity of 3,000 therms of natural gas for use in St. Joe's plant boilers located 3.5 miles west of Lake Wales, Fla., on State Road No. 60.

Central Florida stated that the facilities needed to serve the St. Joe Paper Co. consist of 250 feet of 2-inch service line at an estimated construction cost of $250 and that construction would be a matter of a few days. The estimated cost of the facilities to serve West Lake Wales would be $11,750. The cost of the proposed facilities will be financed out of cash on hand.

Notice of Central Florida's application, setting February 5, 1969, as the final date for filing protest or petitions to intervene, was published in the FEDERAL REGISTER on January 14, 1969 (34 F.R. 528).

On February 3, 1969, Florida Gas filed an answer objecting to Central Florida's application on the grounds, inter alia, that several discrepancies appeared in it and that certain data and information required by the Commission's regulations were omitted therefrom, and requested a public hearing on the application "with full right of participation by respondent".

Central Florida filed on February 11, 1969, a supplement to its application showing estimated maximum third year daily requirements of 3595 therms of natural gas and estimated total third year sales volume of 207,000 therms.

On March 3, 1969, Florida Gas filed a supplement to its answer filed theretofore on February 3, and repeated its request for a public hearing on Central Florida's application with right of participation by Florida Gas.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings under the Commission's orders issued February 6 and March 18, 1969, under Docket No. CP69–117 granting rehearing be consolidated with the proceedings on the application of Central Florida Gas Corp. under Docket No. CP69–181 and that a public hearing be held on the issues involved therein.

The Commission orders:

(A) The proceedings on Central Florida's application under Docket No. CP69–181 and the proceedings under the Commission's orders issued February 6 and March 18, 1969, under Docket No. CP69–117 granting rehearing are hereby consolidated.

(B) A public hearing on the issues presented by Central Florida's application under Docket No. CP69–181 and by Central Florida's applications for rehearing which were granted by the Commission's orders issued February 6 and March 18, 1969, under Docket No. CP69–117 will be held in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. on September 3, 1969.

(C) Each of the parties shall file with the Commission and serve on all parties and the Commission's staff the proposed evidence comprising its case-in-chief, and including prepared testimony of witnesses and exhibits as follows:

Central Florida on or before June 2, 1969; Florida Gas on or before July 1, 1969.

Both parties shall file and serve rebuttal evidence on or before August 1, 1969.

By the Commission.

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

[F.R. Doc. 69–5233; Filed, May 1, 1969; 8:45 a.m.]

[Docket No. CP69–216]

## FLORIDA GAS TRANSMISSION CO.

### Order Permitting Intervention, Denying Motion To Consolidate, Setting Hearing Date, and Prescribing Procedure

APRIL 25, 1969.

Florida Gas Transmission Co. (Florida Gas), Post Office Box 44, Winter Park, Fla. 32789, filed on February 10, 1969, pursuant to section 7(c) of the Natural Gas Act, an application for a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline facilities and the sale and delivery of natural gas on a preferred interruptible basis to Lehigh Portland Cement Co. (Lehigh), at its portland cement plant located near Sweetwater in Dade County, Fla.

Florida Gas proposes to construct and operate approximately 7.5 miles of 8-inch lateral pipeline extending westward from a point of connection on its existing 18-inch main natural gas pipeline approximately 2 miles west of West Miami in Dade County, Fla., and then northward to a terminus at a point adjacent to Lehigh's cement plant where the applicant proposes to construct and operate a meter and regulator station together with necessary appurtenances. The estimated total cost of the facilities is approximately $399,000, which the applicant will finance out of funds on hand.

The applicant proposes to sell and deliver to Lehigh up to 8,640 $M^3$ B.t.u. (8,348 Mcf) of natural gas per day at 14.65 p.s.i.a. and up to 2,850,000 $M^3$ B.t.u. (2,753,623 Mcf) annually on a preferred interruptible basis.

Notice of Florida Gas' application, setting March 14, 1969, as the final date for filing protests or petitions to intervene, was published in the FEDERAL REGISTER on February 25, 1969 (34 F.R. 2570).

A timely petition to intervene and motion to consolidate the proceedings under Docket No. CP69–216 with the proceedings under Docket No. CP69–117 was filed by:

Central Florida Gas Corp. (Central Florida), Post Office Box 960, Winter Haven, Fla. 33881.

There was no other intervener or protest.

In its petition to intervene Central Florida alleges that it owns and operates gas distribution systems serving several communities in Florida; that it purchases its entire requirements of natural gas from Florida Gas; that it sells gas to industrial customers, some of whom purchase gas directly from Florida Gas at other locations; that the petitioner and Florida Gas are in competition as respects industrial sales; and that the petitioner is vitally interested in the terms and conditions under which Florida Gas makes sales for industrial use, and that its interest is not adequately represented by any other party to the proceeding.

Central Florida further alleges that Florida Gas proposes to pay for the lateral pipeline to make its own direct industrial sale but would not construct

such lateral pipeline if such industrial sale were proposed by a distributor and would not provide a delivery point on its mainline so that the distributor could construct the lateral pipeline.

Central Florida implies that Florida Gas' policy in this regard is discriminatory. It alleges that an issue respecting Florida Gas discriminatory practice in providing separate delivery points for industrial sales has been raised by Central Florida in its petition to intervene in the proceedings on Florida Gas' application for a budget-type certificate filed October 21, 1968, under Docket No. CP69–117.

Florida Gas filed an answer opposing Central Florida's petition to intervene and motion to consolidate stating, inter alia, that the Lehigh portland cement plant is not located in Central Florida's franchise or service territory; that Central Florida has attempted to interject the discrimination issue in other proceedings, and that its pleading is simply another step in its program of harassment and interference.

Central Florida's allegations of discrimination on the part of Florida Gas appear to be serious enough to warrant leave to intervene and setting this case for hearing. On the other hand, Central Florida has raised this issue both in its section 7(a) application, Docket No. CP69–181, and in its intervention petition in Florida Gas' budget type certificate application, Docket No. CP69–117. Those proceedings are today being consolidated and set for hearing. That consolidated proceeding should offer a more appropriate vehicle than this proceeding for the resolution of the issue raised in both cases, inasmuch as, inter alia, the budget type certificate sought would allow Florida Gas to install facilities adjacent to Polk County, Fla., in which Central Florida holds a franchise, while the facilities for which authorization is sought in this docket would be in Dade County, Fla., a substantial distance from Central Florida's service area. In this light, and since we are of the view that the factual circumstances are sufficiently different that no useful purpose would be served by the consolidation of this proceeding with Dockets Nos. CP69–181 and CP69–117, we conclude that the most expeditious resolution of these disputes will result from separate hearings.

The Commission finds:

(1) Good cause exists to allow the petitioner named above to intervene in this proceeding subject to its compliance with the terms of this order in order that it may establish the facts and law from which the nature and validity of its alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) Good cause to consolidate the proceedings in this case with any other proceedings has not been shown.

The Commission orders:

(A) The petitioner named above is permitted to intervene in this proceeding subject to the rules and regulations of the Commission; provided however that it shall comply with the terms of this order and that its participation shall be limited to matters affecting rights and interests expressly asserted in the petition to intervene; and provided further that permission to intervene shall not be construed as recognition by the Commission that any intervener might be aggrieved by any order entered in this proceeding.

(B) The motion to consolidate proceedings is denied.

(C) A public hearing on the issues presented by the application in the above-entitled case will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. on May 26, 1969.

(D) The applicant and the intervener each shall file with the Commission and serve on all parties and the Commission's staff the proposed evidence comprising its case in chief including prepared testimony of witnesses and exhibits on or before May 9, 1969, and rebuttal evidence on or before May 20, 1969.

By the Commission.

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

[F.R. Doc. 69–5234; Filed, May 1, 1969; 8:45 a.m.]

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[Docket No. CP69–269]

## FORAKER GAS CO. AND TEXAS EASTERN TRANSMISSION CORP.

### Notice of Application

APRIL 25, 1969.

Take notice that on April 15, 1969, Foraker Gas Co. (Applicant), Post Office Box 201, New Lexington, Ohio 43764, filed in Docket No. CP69–269 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Respondent), to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in Somerset, Perry County, Ohio, and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is presently operating a natural gas distribution system in the Somerset area but that the local supply of natural gas upon which the system is dependent is dwindling. Applicant proposes to expand its distribution system with the construction of 11,000 feet of pipeline to serve additional customers. In order to augment its local supply of natural gas, Applicant seeks an order of the Commission directing Respondent to establish physical connection of its transmission facilities with the transmission facilities to be constructed by Applicant and to sell and deliver natural gas for resale and distribution. The expanded system will also serve Hocking County, Ohio.

The total estimated volumes of natural gas required to be purchased from Respondent in the third year for peak day and annual requirements are 1,600 Mcf and 456,250 Mcf, respectively.

Applicant estimates that it will cost $64,752 in order to expand its distribution system and to make connection with Respondent.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–5235; Filed, May 1, 1969; 8:45 a.m.]

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[Docket No. CP69–267]

## NORTHERN NATURAL GAS CO.

### Notice of Application

APRIL 25, 1969.

Take notice that on April 15, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP69–267 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to transport and sell an additional 35,000 Mcf of natural gas per day to Northern Illinois Gas Co. (Northern Illinois), an existing customer.

Applicant states that it is presently authorized to sell and deliver 92,250 Mcf per day to Northern Illinois. By this application, Applicant proposes to sell and deliver an additional 35,000 Mcf per day of contract demand commencing October 27, 1969, to help meet Northern Illinois' firm requirements for the 1969–70 heating season. The gas will be sold pursuant to Applicant's Rate Schedule PL–3.

Applicant further states that no new facilities are needed to effectuate the proposed additional sale.

Any person desiring to be heard to make any protest with reference to said application should on or before May 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure

(18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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 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. 69-5236; Filed, May 1, 1969; 8:45 a.m.]

[Docket No. CP69-89]

## TEXAS EASTERN TRANSMISSION CORP.

### Notice of Petition To Amend

APRIL 25, 1969.

Take notice that on April 17, 1969, Texas Eastern Transmission Corp. (Petitioner), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP69-89 a petition to amend the order issued in said docket on December 3, 1968, by authorizing an increase in the total amount to be spent on the "budget-type facilities" and the individual project cost, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order, Petitioner was authorized to construct during the calendar year 1969 and operate various "budget-type facilities". The cost of the facilities was limited to $2 million, with no single offshore project to exceed a cost of $750,000, and no single onshore project to exceed $500,000.

Petitioner now requests that the aforementioned order be amended so as to authorize total expenditures of $4 million, with a single offshore project limited to a total of $1 million. Petitioner specifically requests a waiver of the limitations set forth in § 2.58(a)(2) of the Commission's rules of practice and procedure.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene, or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
*Secretary.*

[F.R. Doc. 69-5237; Filed, May 1, 1969; 8:45 a.m.]

[Docket No. CP69-51]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Notice of Petition To Amend

APRIL 29, 1969.

Take notice that on April 22, 1969, Transcontinental Gas Pipe Line Corp. (Petitioner), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP69-51 a petition to amend the order issued in said docket on January 24, 1969, by deleting the requirement contained in paragraph (E) of said order whereby Petitioner's certificate was conditioned upon the acceptance of temporary certificates by the producers who were to sell gas to Petitioner. Further, Petitioner requests that the said order be amended further by deleting certain producer docket numbers from the Appendix of such order and by substituting other docket numbers. The requests are more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that production from the Block 230 Field, Ship Shoal Area, for which Petitioner received authorization to construct facilities, will not be ready during the calendar year 1969 from three of the producers listed in the Appendix, Kerr-McGee Corp. in Docket No. CI68-1086, Cabot Corp. in Docket No. CI68-1085, Felmont Corp. in Docket No. CI68-1095, and Essex Corp. in Docket No. CI68-1096. Petitioner desires to commence taking in 1969 from the other producers in the Ship Shoal Area who are specified in the Appendix. Therefore, Petitioner requests that the aforementioned order be amended to delete the requirement that Kerr-McGee and its three partners in the Block 230 Field, listed above, be required to accept temporary certificates as a condition to the certificate granted therein to Petitioner.

Petitioner further seeks to have the appendix of said order amended by deleting Kerr-McGee's Docket No. CI68-1084, Cabot's Docket No. CI68-1087, Felmont's Docket No. CI68-1099, and Sun Oil Co. (DX Division) in Docket No. CI68-1111, all involving sales from Block 233 Field, Ship Shoal Area, and substituting Dockets Nos. CI69-881, CI69-898, CI69-917, and CI69-882, respectively.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest.

Therefore, any person desiring to be heard or to make any protest with reference to said application should, on or before May 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
*Secretary.*

[F.R. Doc. 69-5292; Filed, May 1, 1969; 8:50 a.m.]

[Docket No. RI69-598, etc.]

## TEXAS PACIFIC OIL CO. ET AL.

### Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

APRIL 23, 1969.

Joseph E. Seagram & Sons Inc., doing business as Texas Pacific Oil Co. et al., Docket No. RI69-598 et al.; Amerada Petroleum Corp., Docket No. RI69-603.

In the order accepting contract amendments, providing for hearings on and suspension of proposed changes in rates, issued March 7, 1969, and published in the FEDERAL REGISTER, March 15, 1969 34(5313), in Appendix A, page 4, Docket No. RI69-603, Amerada Petroleum Corp.: (Opposite Rate Schedule No. 138) Under column headed "Supp. No.", change "7" to read "9".

GORDON M. GRANT,
*Secretary.*

[F.R. Doc. 69-5239; Filed, May 1, 1969; 8:45 a.m.]

[Docket No. CP69-272]

## WISCONSIN GAS CO. AND NORTHERN NATURAL GAS CO.

### Notice of Application

APRIL 25, 1969.

Take notice that on April 18, 1969, Wisconsin Gas Co. (Applicant), 626 East Wisconsin Avenue, Milwaukee, Wis. 53202, filed in Docket No. CP69-272 an application pursuant to section 7(a) of the Natural Gas Act for an order of the

Commission directing Northern Natural Gas Co. (Respondent), to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in Hager City, Pierce County, Wis., and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Application proposes to construct and operate a natural gas distribution system in Hager City, Pierce County, Wis., and environs, and requests that the Commission order Respondent to make physical connection with the proposed distribution system and to sell and deliver natural gas to meet the system's requirements.

The estimated third year peak day and annual requirements of the proposed system are 765 Mcf and 266,025 Mcf, respectively.

Applicant's total estimated cost of the proposed facilities is $69,027.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
*Secretary.*

[F.R. Doc. 69-5238; Filed, May 1, 1969; 8:45 a.m.]

# GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-46]

## SECRETARY OF DEFENSE

### Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes delegations of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires April 30, 1969.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

| No. | Date | Subject |
|---|---|---|
| F-11 | July 19, 1967 | Delegation of Authority to Secretary of Defense—Regulatory Proceeding. |
| F-14 | Feb. 9, 1968 | Do. |
| F-18 | July 12, 1968 | Do. |
| F-19 | Aug. 23, 1968 | Do. |

Dated: April 28, 1969.

ROBERT L. KUNZIG,
*Administrator of General Services.*

[F.R. Doc. 69-5242; Filed, May 1, 1969; 8:45 a.m.]

[Federal Property Management Regs. Temporary Reg. G-4]

## SECRETARY OF DEFENSE

### Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes delegations of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires April 30, 1969.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

| No. | Date | Subject |
|---|---|---|
| G-2 | Sept. 14, 1967 | Delegation of Authority to Secretary of Defense—Regulatory Proceeding. |
| G-3 | Nov. 3, 1968 | Do. |

Dated: April 28, 1969.

ROBERT L. KUNZIG,
*Administrator of General Services.*

[F.R. Doc. 69-5243; Filed, May 1, 1969; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

## TINTAIR, INC.

### Order Suspending Trading

APRIL 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock of Tintair, Inc., White Plains, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 28, 1969 at 2 p.m. e.d.t., through May 7, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 69-5261; Filed, May 1, 1969; 8:47 a.m.]

[812-2504]

## NUVEEN TAX-EXEMPT BOND FUND, SERIES 21

### Notice of Filing of Application of Exemption

APRIL 28, 1969.

Notice is hereby given that Nuveen Tax-Exempt Bond Fund, Series 21, 209 South La Salle Street, Chicago, Ill. 60604 ("Applicant"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is one of a series of 21 similar funds, named "Nuveen Tax-Exempt Bond Funds, Series 1-21," organized pursuant to a Trust Indenture and Agreement ("Trust Agreement") between John Nuveen & Co. (Inc.), as Sponsor, and United States Trust Company of New York, as Trustee. It is contemplated that the Sponsor will deposit with the Trustee under the Trust Agreement $10 million principal amount of municipal bonds and will receive in exchange therefor certificates of undivided interest in Applicant. It is proposed to offer such units for sale to the public and for this purpose a registration statement under the Securities Act of 1933 has been filed but has not yet become effective. The Trust Agreement provides in substance that no additional bonds will be deposited during the life of the Trust and no additional units will be issued. The proceeds of bonds which may be sold, redeemed or mature will be distributed to unit holders. Units may be redeemed by the holders at their current net asset value. The Trust may be terminated by written consent of 100 percent of the unit holders of Applicant, or, in the event that the value of the Applicant shall fall below 20 percent of the aggregate principal amount of bonds initially deposited thereunder, upon direction of the Sponsor to the Trustee.

In connection with the requested exemption, the Sponsor has agreed to refund the original price including sales load, paid by purchasers for units, if

within 90 days after the registration of Applicant under the 1933 Act becomes effective, the net worth of Applicant shall be reduced to less than $100,000.

Notice is further given that any interested person may, not later than May 13, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 69-5262; Filed, May 1, 1969; 8:47 a.m.]

# TASK FORCE ON OIL IMPORT QUOTA CONTROLS

## OIL IMPORT QUOTA PROGRAM

### Opportunity To Submit Comments

The President has established a task force to review the question of oil import quota controls. The Secretary of Labor is Chairman of the task force. Other members are the Secretaries of State, Defense, Interior, Treasury, and Commerce, and the Director of the Office of Emergency Preparedness. See 5 Weekly Compilation of Presidential Documents 488 (March 31, 1969).

Interested persons will be invited to submit concise written comments to the task force on whether oil imports should remain subject to reduction and, if so, to what degree and by what means. The fundamental nature of the inquiry of the task force is emphasized, and interested persons are urged to begin immediately to prepare for their submissions. The comments of interested persons shall be available for public inspection, and such comments may be the subject of further submissions by interested persons.

The exact form of such submissions, more detailed subjects and issues, and the time and place for making submissions will be subsequently announced by publication in the FEDERAL REGISTER. When announced, the time for submitting documents will be strictly adhered to in order to permit the exchange of views by interested persons and adequate consideration by the task force within its 6-month life.

Signed at Washington, D.C., this 28th day of April 1969.

GEORGE P. SCHULTZ,
*Chairman, Task Force on Oil Import Control.*

[F.R. Doc. 69-5264; Filed, May 1, 1969; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 29, 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. 41624—Barley, feed grade from points in Montana. Filed by North Pacific Coast Freight Bureau, agent (No. 69-2), for interested rail carriers. Rates on barley, feed grade, in carloads, from specified points in Montana, to specified points in Oregon and Washington.

Grounds for relief—Truck competition.

Tariff—Supplement 42 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

FSA No. 41626—Bituminous coal—Murdock, Ill., to Penn, Ind. Filed by Illinois Freight Association, agent (No. 343), for interested rail carriers. Rates on bituminous coal, in carloads, subject to minimum of 1,000 tons of 2,000 pounds per shipment, from Murdock, Ill., to Penn, Ind.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 17 to Illinois Freight Association, agent, tariff ICC 1157.

FSA No. 41627—Class and commodity rates between points in Texas. Filed by Texas-Louisiana Freight Bureau, agent (No. 626), for interested rail carriers. Rates on air coolers, and other various commodities, as described in the application, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 87 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41625—Barley, feed grade from points in Montana. Filed by North Pacific Coast Freight Bureau, agent (No. 69-3), for interested rail carriers. Rates on barley, feed grade, in carloads, from specified points in Montana, to specified points in Oregon and Washington.

Grounds for relief—Maintenance of depressed rates published to meet private truck competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 42 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

FSA No. 41628—Class and commodity rates between points in Texas. Filed by Texas-Louisiana Freight Bureau, agent (No. 627), for interested rail carriers. Rates on anhydrous ammonia, and other various commodities, as described in the application, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 87 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

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

[F.R. Doc. 69-5289; Filed, May 1, 1969; 8:49 a.m.]

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[Notice 337]

## MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 29, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to

section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71314. By order of April 28, 1969, the Motor Carrier Board approved the transfer to Park Brothers Moving Corp., Post Office Box 34, Annandale, Va., of the operating rights in certificate No. MC–60655 issued July 8, 1965, to Rogers Moving Co., Inc., 5816 Seminary Road, Bailey Crossroads, Va., authorizing the transportation, over irregular routes, of household goods between points in Shenandoah, Page, Warren, and Rockingham Counties, Va., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, and those in Maryland, Pennsylvania, New Jersey, West Virginia, and the District of Columbia, and between Herndon, Va., and points in Virginia within 50 miles of Herndon, on the one hand, and, on the other, Washington, D.C., and Baltimore, Md.

No. MC–FC–71327. By order of April 28, 1969, the Motor Carrier Board approved the transfer to Charter Bulk, Inc., Newark, N.J., of Certificates Nos. MC–123922 (Sub-No. 2), MC–123922 (Sub-No. 5), MC–123922 (Sub-No. 7), MC–123922 (Sub-No. 9), MC–123922 (Sub-No. 10), and MC–123922 (Sub-No. 11), issued March 26, 1968, February 27, 1964, October 29, 1965, December 23, 1968, February 27, 1969, and March 10, 1969, respectively, to Charter Bulk Service, Inc., Newark, N.J., authorizing the transportation of chemicals, bicarbonate of soda, dry sodium carbonate monohydrated, dry, in bulk, and sodium silicate, and other similar commodities between, and from and to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, attorney for applicants.

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

[F.R. Doc. 69–5290; Filed, May 1, 1969; 8:49 a.m.]

[Notice 337A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 29, 1969.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC–FC–71330. By application filed April 28, 1969, WESTERN MILK TRANSPORT, INC., South K Street (Post Office Box 1060), Tulare, Calif. 93274, seeks temporary authority to lease the operating rights of KINGS COUNTY TRUCK LINES, 550 South L Street (Post Office Box 1016), Tulare, Calif. 93274, under section 210a(b). The transfer to WESTERN MILK TRANSPORT, INC., of the operating rights of KINGS COUNTY TRUCK LINES, is presently pending.

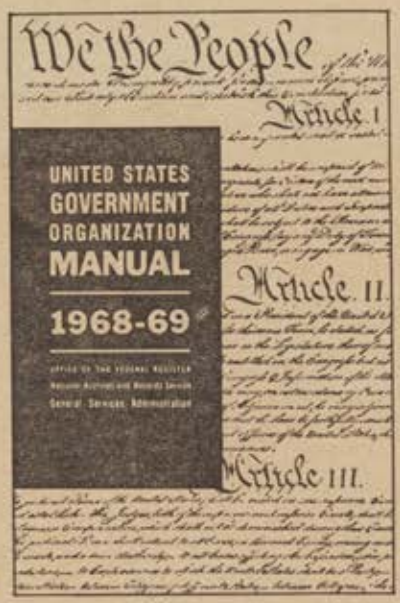
By the Commission.

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

[F.R. Doc. 69–5291; Filed, May 1, 1969; 8:49 a.m.]

## CUMULATIVE LIST OF PARTS AFFECTED—MAY

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

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