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Title 3—THE PRESIDENT

Executive Order 11467

DELEGATING TO THE SECRETARY OF STATE AUTHORITY TO APPROVE OR REJECT RECOMMENDATIONS AND ACTIONS OF CERTAIN FISHERIES COMMISSIONS

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of State is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(1) The authority vested in the President by section 6(a) of the North Pacific Fisheries Act of 1954 (68 Stat. 699; 16 U.S.C. 1025(a)) to accept or reject, on behalf of the United States, recommendations made by the International North Pacific Fisheries Commission in accordance with the provisions of Article III, section 1, of the International Convention for the High Seas Fisheries of the North Pacific Ocean (signed at Tokyo May 9, 1952, TIAS 2786) and recommendations made by the Commission in pursuance of the provisions of the Protocol to that Convention.

(2) The authority vested in the President by Article III, paragraph 2, of the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, March 2, 1953, TIAS 2900) to approve or reject actions of the International Pacific Halibut Commission taken pursuant to that paragraph.

SEC. 2. In carrying out his authority under section 1 of this order the Secretary of State shall consult with the Secretary of the Interior.

Richard Nixon

THE WHITE HOUSE,
May 1, 1969.

[F.R. Doc. 69-5422; Filed, May 2, 1969; 10:45 a.m.]

Rules and Regulations

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 8—INTERPRETATIONS

Jurisdiction Over Nuclear Facilities and Materials

An interpretation by the General Counsel of the Atomic Energy Commission of the Atomic Energy Act of 1954, as amended, is added to the Atomic Energy Commission's regulation 10 CFR Part 8, which contains interpretations of the Atomic Energy Act of 1954 (68 Stat. 919) and of regulations of the Commission issued thereunder.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of 10 CFR Part 8 is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER.

A new § 8.4 is added to read as follows:

§ 8.4 Interpretation by the General Counsel: AEC jurisdiction over nuclear facilities and materials under the Atomic Energy Act.

(a) By virtue of the Atomic Energy Act of 1954, as amended,[1] the individual States may not, in the absence of an agreement with the Atomic Energy Commission, regulate the materials described in the Act from the standpoint of radiological health and safety. Even States which have entered into agreements with the AEC lack authority to regulate the facilities described in the Act, including nuclear power plants and the discharge of effluents from such facilities, from the standpoint of radiological health and safety.

(b) The Atomic Energy Act of 1954 sets out a pattern for licensing and regulation of certain nuclear materials and facilities on the basis of the common defense and security and radiological health and safety. The regulatory pattern requires, in general, that the construction and operation of production facilities (nuclear reactors used for production and separation of plutonium or uranium-233 or fuel reprocessing plants) and utilization facilities (nuclear reactors used for production of power, medical therapy, research, and testing) and the possession and use of byproduct material (radioisotopes), source material (thorium and uranium ores), and special nuclear material (enriched uranium and plutonium, used as fuel in nuclear reactors), be licensed and regulated by the Commission.[2] In carrying out its statutory responsibilities for the protection of the public health and safety from radiation hazards and for the promotion of the common defense and security, the AEC has promulgated regulations which establish requirements for the issuance of licenses (Parts 30–36, 40, 50, 70, 71, and 100 of this chapter) and specify standards for radiation protection (Part 20 of this chapter).

(c) The Atomic Energy Act of 1954 had the effect of preempting to the Federal Government the field of regulation of nuclear facilities and byproduct, source, and special nuclear material. Whatever doubts may have existed as to that preemption were settled by the passage of the Federal-State amendment to the Atomic Energy Act of 1954 in 1959.[3]

(d) Prior to 1954, all nuclear facilities and the special nuclear material produced by or used in them were owned by the AEC.[4] This Federal monopoly of atomic energy activities was due in large part to the use of atomic energy materials and facilities in our national weapons program, and the large capital investment required for their development. The Atomic Energy Act of 1954 permitted private ownership of nuclear facilities for the first time, but only under a comprehensive, pervasive system of Federal regulation and licensing. That Act recognized no State responsibility or authority over such facilities and materials except the States' traditional regulatory authority over generation, sale, and transmission of electric power produced through the use of nuclear facilities.[5] As interest grew in the private construction of facilities and the use of atomic energy materials, and the numbers of persons qualified in the field increased, questions arose as to the role State authorities should play with regard to the public health and safety aspects of such activities. Several bills were introduced with respect to Federal-State cooperation in 1956 and 1957.[6] An AEC proposed bill which would have authorized concurrent radiation safety standards to be enforced by the States was forwarded to the Joint Committee on Atomic Energy in 1957, but was never reported out. Finally, in 1959, legislation was enacted whose purpose was to promote an orderly regulatory pattern between the Federal and State governments with respect to regulation of byproduct, source, and special nuclear material, while avoiding dual regulation (see section 274a). That legislation added section 274, the so-called Federal-State amendment, to the Atomic Energy Act.

(e) Section 274 (42 U.S.C. 2021) authorizes the Commission to enter into an agreement with the Governor of any State providing for the discontinuance of regulatory authority of the Commission with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a "critical mass." However, section 274c (42 U.S.C. 2021(c)) provides that the Commission shall retain authority and responsibility with respect to the regulation of:

(1) The construction and operation of production or utilization facilities (note: this includes construction and operation of nuclear powerplants);

(2) The export and import of byproduct, source or special nuclear material or production or utilization facilities;

(3) The disposal into the ocean of waste byproduct, source or special nuclear materials; and

(4) The disposal of such other byproduct, source or special nuclear material as the Commission determines should, because of the hazards or potential hazards thereof, not be so disposed of without a Commission license.

(f) The amendment, in providing for the discontinuance of some of the AEC's regulatory authority over source, byproduct and special nuclear material in States which entered into agreements with the AEC, made clear that there should be no "dual regulation" with respect to those materials for the purpose of protection of the public health and safety from radiation hazards.

(g) Section 274b of the Atomic Energy Act (42 U.S.C. 2021(b)) states that:

> During the duration of such an agreement it is recognized that the State shall have authority to regulate the materials covered by the agreement for the protection of the public health and safety from radiation hazards.

Section 274k (42 U.S.C. 2021(k)) states:

> Nothing in this section shall be construed to affect the authority of any State or local agency to regulate activities for purposes other than protection against radiation hazards.

(h) In its comments on the bill that was enacted as section 274, the Joint Committee on Atomic Energy commented that:

> It is not intended to leave any room for the exercise of dual or concurrent jurisdiction

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[1] Public Law 83-703, 68 Stat. 919.

[2] The terms "byproduct material," "source material," and "special nuclear material" are defined in the Atomic Energy Act, sections 11e, 11z, and 11aa, respectively. The terms "production facility" and "utilization facility" are defined in sections 11v and 11cc of the Act, respectively.

[3] Public Law 86-373, 73 Stat. 688.

[4] Atomic Energy Act of 1946, Public Law 79-585, 60 Stat. 755.

[5] Section 271, 42 U.S.C. 2018.

[6] S. 4298 and H.R. 8676, 84th Cong., second session; S. 53, 85th Cong., first session.

by States to control radiation hazards by regulating byproduct, source, or special nuclear materials. The intent is to have the material regulated and licensed either by the Commission, or by the State and local governments, but not by both.[1]

In explaining section 274k, the Joint Committee said:

As indicated elsewhere, the Commission has exclusive authority to regulate for protection against radiation hazards until such time as the State enters into an agreement with the Commission to assume such responsibility.[2]

(i) It seems completely clear that the Congress, in enacting section 274, intended to preempt to the Federal Government the total responsibility and authority for regulating, from the standpoint of radiological health and safety, the specified nuclear facilities and materials; that it stated that intent unequivocally; and that the enactment of section 274 effectively carried out the Congressional intent, subject to the arrangement for limited relinquishment of AEC's regulatory authority and assumption thereof by states in areas permitted, and subject to conditions imposed, by section 274.[3]

(j) Thus, under the pattern of the Atomic Energy Act, as amended by section 274, States which have not entered into a section 274 agreement with the AEC are without authority to license or regulate, from the standpoint of radiological health and safety, byproduct, source, and special nuclear material or production and utilization facilities. Even those States which have entered into a section 274 agreement with the AEC (Agreement States) lack authority to license or regulate, from the standpoint of radiological health and safety, the construction and operation of production and utilization facilities (including nuclear power plants) and other activities reserved to the AEC by section 274c. (To the extent that Agreement States have authority to regulate byproduct, source, and special nuclear material, their section 274 Agreements require them to use their best efforts to assure that their regulatory programs for protection against radiation hazards will continue to be compatible with the AEC's program for the regulation of byproduct, source and special nuclear material.)

(k) The following judicial precedents and legal authorities support the foregoing conclusions: Northern California Ass'n, Etc. v. Public Utilities Commission, 37 Cal. Rep. 432, 390 P. 2d 200 (1964); Boswell v. City of Long Beach, CCH Atomic Energy Law Reports, par. 4045 (1960); Opinion of the Attorney General of Michigan (Oct. 31, 1962); Opinion of the Attorney General of South Dakota (July 23, 1964); New York State Bar Association, Committee on Atomic Energy, State Jurisdiction to Regulate Atomic Activities (July 12, 1963). No precedents or authorities to the contrary have come to our attention.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 14th day of March 1969.

JOSEPH F. HENNESSEY,
General Counsel,
Atomic Energy Commission.

[F.R. Doc. 69-5296; Filed, May 2, 1969; 8:45 a.m.]

[1] 1959 U.S. Code Congressional and Administrative News, v. 2, p. 2879.

[2] Id. at pp. 2882-3.

[3] As noted above, regulation of construction and operation of production or utilization facilities was one of the areas reserved to the AEC. It is clear from the legislative history of section 274 that control of "operation" of such facilities includes the regulation of the radiological effects of the discharge of affluents from the facilities. (Hearings before the Joint Committee on Atomic Energy on Federal-State Relationships in the Atomic Energy Field, 86th Cong., first session, 1959, p. 306.) AEC regulations implementing section 274 recognize that intent by defining facility operation to include the discharge of radioactive effluents from the facility site (10 CFR 150.15).

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 1, Amdt. 1]

PART 102—DISCLOSURE OF INFORMATION

Title Change

An internal reorganization makes necessary a change in the title of the official authorized to make final decisions on appeals from refusals to disclose agency information and records and on appearances and testimony by agency employees.

Accordingly, Part 102 is amended by substituting "Assistant Administrator for Management" for "Assistant Administrator for Administration" in §§ 102.5 (c) and (d) and 102.7.

Effective date: April 25, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-5334; Filed, May 2, 1969; 8:48 a.m.]

[Amdt. 2]

PART 124—PROCUREMENT AND TECHNICAL ASSISTANCE

General

§ 124.8-1 [Amended]

1. Section 124.8-1 of the rules and regulations of the Small Business Administration is amended by deleting paragraph (b) and redesignating paragraph (a) as § 124.8-1; and

2. Section 124.8-2(a) of the rules and regulations of the Small Business Administration is amended to read as follows:

§ 124.8-2 Procedures.

(a) SBA will review procurement plans and programs of other Government departments and agencies to determine the property, equipment, supplies, and materials for which SBA should undertake to provide for the Government through the exercise of its prime contracting authority. SBA will, for appropriate property, equipment, supplies and materials, make the certification provided for in section 8(a)(1) of the Small Business Act and enter into a formal contract with the procuring agency.

* * * * *

Effective date: Immediately upon publication in the FEDERAL REGISTER.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-5320; Filed, May 2, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-EA-41]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 so as to alter the Columbus, Ohio, 700-foot transition area.

The Lockbourne, Ohio, terminal very high frequency omni-directional radio range will be decommissioned during April 1969. The VOR-Radial 090 instrument approach procedure for Anchor Hocking Airport, Lancaster, Ohio, recently renamed Fairfield County Airport, is canceled effective April 14, 1969. The controlled airspace designated to protect aircraft executing this procedure must be rescinded. Consequently, it is necessary to alter the Columbus, Ohio, 700-foot floor transition area to delete this airspace from the designation and to insert coordinates to provide continuity in the description of the remaining designated airspace.

Since this amendment results in the rule being less restrictive and imposes no additional burden on any person, notice and public procedure herein 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 upon publication in the FEDERAL REGISTER as follows:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Columbus, Ohio, 700-foot floor transition area, "within a 5-mile radius of the center, 39°45'25" N., 82°39'35" W., of Anchor Hocking Airport, Lancaster, Ohio" and "within 2 miles each side of the Lockbourne VOR 088° radial extending from the Anchor Hocking Airport 5-mile radius area to 8 miles east of the VOR". Following the

phrase "that airspace within a line from", insert "39°45'00" N., 82°42'00" W. to".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-5322; Filed, May 2, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-98]

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

Designation of Transition Area

On page 17246 of the FEDERAL REGISTER dated November 21, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Windom, Minn.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., June 26, 1969.

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

Issued in Kansas City, Mo., on April 8, 1969.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

WINDOM, MINN.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Windom Municipal Airport (latitude 43°-54'50" N., longitude 95°06'35" W.); within 5 miles east and 8 miles west of the 354° bearing from Windom Municipal Airport, extending from the airport to 12 miles north of the airport; and within 5 miles each side of the 174° bearing from Windom Municipal Airport, extending from the airport to 12 miles south of the airport.

[F.R. Doc. 69-5323; Filed, May 2, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-7]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Graham, Tex., transition area.

On March 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5337) stating the Federal Aviation Administration proposed to designate a transition area at Graham, Tex.

Interested persons were afforded an opportunity to participate in the rule making through 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 herein set forth.

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

GRAHAM, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Graham Municipal Airport (lat. 33°06'20" N., long. 98°33'10" W.), and within 2 miles each side of the 014° bearing from the Graham RBN (lat. 33°07'48" N., long. 98°-32'59" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

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

Issued in Fort Worth, Tex., on April 23, 1969.

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

[F.R. Doc. 69-5324; Filed, May 2, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-8]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Nacogdoches, Tex., transition area.

On March 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5337) stating the Federal Aviation Administration proposed to designate a transition area at Nacogdoches, Tex.

Interested persons were afforded an opportunity to participate in the rule making through 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 herein set forth.

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

NACOGDOCHES, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Del Rentzel Airport (lat. 31°34'35" N., long. 94°42'25" W.), within 2 miles each side of the Lufkin VORTAC 001° radial extending from the 5-mile radius area to 17 miles north of the VORTAC, and within 2 miles each side of the 343° bearing from the Nacogdoches RBN (lat. 31°38'01" N., long. 94°-44'01" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

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

Issued in Fort Worth, Tex., on April 23, 1969.

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

[F.R. Doc. 69-5325; Filed, May 2, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1516]

PART 13—PROHIBITED TRADE PRACTICES

Career Originals, Inc., and David Kaufman

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act; 13.1053-80 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 70, 69f) [Cease and desist order, Career Originals, Inc., et al., New York, N.Y., Docket C-1516, Apr. 4, 1969]

In the Matter of Career Originals, Inc., a Corporation, and David Kaufman, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer of ladies' coats to cease misbranding and falsely invoicing its textile fiber and fur products and furnishing false guarantees.

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

It is ordered, That respondents Career Originals, Inc., a corporation, and its officers, and David Kaufman, 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, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur

Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

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

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

B. Falsely or deceptively invoicing any fur product by:

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

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

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

It is further ordered, That respondents Career Originals, Inc., a corporation, and its officers, and David Kaufman, 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 transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Indentification Act.

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

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

Issued: April 4, 1969.

By the Commission.

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

[F.R. Doc. 69-5312; Filed, May 2, 1969; 8:46 a.m.]

[Docket No. C-1517]

PART 13—PROHIBITED TRADE PRACTICES

General Nutrition Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.; 13.170-64 Nutritive.

(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, General Nutrition Corp., et al., Pittsburgh, Pa., Docket C-1517, Apr. 4, 1969]

In the Matter of General Nutrition Corporation, a Corporation, Also Trading as Natural Sales Co., and David B. Shakarian, Individually and as an Officer of Said Corporation

Consent order requiring a Pittsburgh, Pa., distributor of drug preparations to cease making exaggerated claims concerning the efficacy of its vitamins and mineral products, and disseminating advertising which lists untested ingredients.

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

It is ordered, That respondents General Nutrition Corp., a corporation, also trading as Natural Sales Co., or under any other name or names, and its officers, and David B. Shakarian, 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 offering for sale, sale or distribution of Geri-Gen Liquid, Geri-Gen Tablets or Hemotrex, or any other food or drug preparation containing vitamins and/or minerals, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication that:

(a) The use of such preparations will be of benefit in the prevention, relief or treatment of tiredness, listlessness, lack of normal appetite, "depleted" feeling, "run-down" feeling, easy fatigability or any other symptom, unless such representation is expressly limited to a symptom or symptoms caused by a deficiency of one or more of the vitamins or iron provided by such preparations; and, further, unless such advertisement also discloses clearly and conspicuously, in immediate or close proximity, and with equal prominence, to any such representations:

(1) That, in the great majority of persons suffering from any such symptom or symptoms, the preparations will be of no benefit in the prevention, treatment, or relief of such symptom or symptoms; and

(2) That the presence of iron deficiency anemia or iron deficiency of any degree cannot be self-diagnosed and can be determined only by means of medical or laboratory tests conducted by or under the supervision of a physician; and

(3) That the presence of a deficiency of the B vitamins, or of any vitamin, cannot be self-diagnosed and can be determined only by means of medical or laboratory tests conducted by or under the supervision of a physician.

(b) Any B Complex Vitamin or Vitamin C is not stored in the body or must be replaced daily.

(c) Any ingredient, other than iron, in Geri-Gen Liquid, Geri-Gen Tablets, or Hemotrex contributes to the effectiveness of these or similar preparations in the prevention, treatment, or relief of iron deficiency anemia or of iron deficiency or of symptoms represented, directly or by implication, to be caused by iron deficiency or iron deficiency anemia;

(d) An individual with iron deficiency anemia or an iron deficiency may also suffer from a deficiency of one or more of the other minerals or of one or more of the vitamins in Geri-Gen Liquid, Geri-Gen Tablets, or Hemotrex, unless the advertisement also discloses clearly and conspicuously, in immediate or close proximity and with equal prominence, that in the great majority of cases of iron deficiency anemia or iron deficiency there is no need for additional vitamins or for any additional mineral other than iron;

(e) The presence of iron deficiency anemia or iron deficiency of any degree can be self-diagnosed;

(f) The presence of iron deficiency anemia or iron deficiency of any degree can generally be determined without medical or laboratory tests conducted by or under the supervision of a physician.

(g) The presence of a deficiency of the B vitamin, or of any vitamin, can be self-diagnosed.

(h) The presence of a deficiency of the B vitamins, or of any vitamin, can generally be determined without medical tests conducted by or under the supervision of a physician.

Provided, however, That the reference in any advertisement of respondents' vitamin and/or mineral products to a deficiency of vitamins and/or minerals, either directly or by inference, shall not be deemed to constitute a violation of subsections (e), (f), (g), or (h) of section 1 hereof so long as such advertisement also contains an equally clear and

conspicuous statement which reads "If, after medical tests, your doctor has found that you need vitamin and/or mineral supplements, let him recommend those which you may need."

Provided further, however, That neither (1) the identification of respondents' vitamin and/or mineral products by names which are acceptable in labeling to the Food and Drug Administration; nor (2) the listing of the ingredients or enumeration of the formulas of such products expressed as percentages of such unit as may be determined as appropriate in labeling by the Food and Drug Administration; shall be considered to be violative of subsections (c), (d), (e), (f), (g), or (h) hereof.

2. Disseminating, or causing to be disseminated, by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which lists, or otherwise refers to as an ingredient, any ingredient the need for which in human nutrition has not been established, or an ingredient whose presence in the preparation is without nutritional significance, unless the advertisement also discloses clearly and conspicuously, in immediate or close proximity, and with equal prominence: (1) That the need for such ingredient in human nutrition has not been established; or (2) that the presence of such ingredient in such preparation is without nutritional significance, as the case may be.

3. Disseminating, or causing to be disseminated, by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains statements which are inconsistent with, negate or contradict any of the affirmative disclosures required by paragraphs 1 or 2 of this order.

4. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited by paragraphs 1, 2, or 3 hereof, or which fails to comply with the affirmative requirements of paragraphs 1 and 2 hereof.

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 4, 1969.

By the Commission.

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

[F.R. Doc. 69-5313; Filed, May 2, 1969; 8:46 a.m.]

[Docket No. C-1515]

PART 13—PROHIBITED TRADE PRACTICES

Monique Fur Corp. and Max Soroka

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Monique Fur Corp. et al., New York, N.Y., Docket C-1515, Apr. 3, 1969]

In the Matter of Monique Fur Corp., a Corporation, and Max Soroka, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products and furnishing deceptive guaranties.

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

It is ordered, That respondents Monique Fur Corp., a corporation, and its officers, and Max Soroka, 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, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

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

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

B. Falsely or deceptively invoicing any fur product by:

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

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

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

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

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

Issued: April 3, 1969.

By the Commission.

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

[F.R. Doc. 69-5314; Filed, May 2, 1969; 8:46 a.m.]

[Docket No. C-1518]

PART 13—PROHIBITED TRADE PRACTICES

Washington Gas & Electric Appliance Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-30 Connections or arrangements with others; 13.15-180 Location; 13.15-270 Size and extent. Subpart—Appropriating trade name or mark wrongfully: § 13.295 *Appropriating trade name or mark wrongfully:* 13.295-20 Competitor. Subpart—Disparaging competitors and their products—Competitors' products: § 13.1010 *Qualities or properties.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* § 13.1475 *Location;* § 13.1555 *Size, extent or equipment.*

(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, Washington Gas & Electric Appliance Co., Inc., etc., Washington, D.C., Docket C-1518, Apr. 7, 1969]

In the Matter of Washington Gas & Electric Appliance Co., Inc., and Allison Air Conditioning & Heating Service, Corporations, and Sidney Grossman, Individually and as an Officer of Said Corporations, and Abatt Air Conditioning & Heating Co., Inc., a Corporation

Consent order requiring three affiliated Washington, D.C., distributors of air conditioning and heating units to cease using or simulating the trade names of any public utility or competitors, using dummy addresses to falsify the size of their operations, and disparaging the installed equipment of competitors.

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

It is ordered, That respondents Washington Gas & Electric Appliance Co., Inc., and Allison Air Conditioning & Heating Service, corporations, and their officers, and Sidney Grossman, individually and as an officer of said corporations, and respondent Abatt Air Conditioning & Heating Co., Inc., a corporation, and its officers, 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 service of air conditioning or heating units or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme or device wherein false, misleading or deceptive representations are made in order to obtain leads or prospects for the sale of merchandise or services or to induce sales of any merchandise or services.

2. Using the name Washington Gas & Electric Appliance Co., Inc., or any variation thereof, or any substantially similar name or designation in the greater Washington, D.C., metropolitan area: *Provided, however*, That nothing herein shall be construed to prohibit respondents from using the name Washington Electric & Gas Furnace and Air Conditioning Co., Inc.

3. Representing, directly or indirectly, that respondents' employees are in the employ of any gas or utility company.

4. Misrepresenting, in any manner, the nature of respondents' business, or affiliations or connections with any public utility or publicly franchised company, or any other organization.

5. Using the name "Ream" or any substantially similar name or designation in any telephone directory listing, or advertising of any nature.

6. The adoption, advertising, or listing in telephone directories of any trade or corporate name which simulates the trade or corporate name of an established competitor or the product sold by an established competitor of respondents.

7. Representing, directly or indirectly, that respondents regularly sell any trade name product unless respondents regularly sell said products in the course of their business.

8. Listing in telephone directories, or advertising, in any manner, a sales, service, dispatch or other facility, at various addresses unless they, in fact, maintain either sales, service, dispatch or other facilities at the addresses advertised and listed and truthfully so designate the nature of such facilities at each address in any such advertising and listing.

9. Listing in telephone directories, or advertising, in any manner, a corporation, company, or other business concern, unless such corporation, company or other business concern, is a viable business entity, which maintains books and records and has a full time force of personnel which conduct business on a daily basis.

10. Listing in telephone directories, or advertising, in any manner, the same company or corporation under more than one name.

11. Misrepresenting, in any manner, the location or extent of the sales or services facilities operated by respondents.

12. Representing, directly or by implication, that any furnace or air conditioning unit is defective in any manner, not repairable, or in a condition which may endanger life or property: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such representation or representations were based upon adequate inspection or analysis of the unit and respondents thereby knew or had valid reason to believe in good faith that said representation or representations were true.

13. Making any representation, in any manner, with respect to the condition of any air conditioning or heating unit: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such representation or representations were based upon adequate inspection or analysis of the unit and respondents thereby knew or had valid reason to believe in good faith that said representation or representations were true.

14. 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 respondent corporations shall forthwith distribute a copy of this order to each of their 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 7, 1969.

By the Commission.

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

[F.R. Doc. 69-5315; Filed, May 2, 1969; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Survey of Professional Compensation by Employing Institutions

§ 15.345 Survey of professional compensation by employing institutions.

(a) The Commission issued an advisory opinion with respect to a proposed survey of certain professional compensation in employing institutions.

(b) The applicant proposed to conduct a survey of employing institutions by means of a questionnaire to ascertain the compensation being paid to specified professionals. Respondents to the questionnaire would not be identified. The results of the survey would be reported as national and regional averages and they would be published and distributed to the trade and public press. No conclusions would be drawn nor would recommendations be made.

(c) The Commission advised the applicant that implementation of the proposed course of action in the manner described probably would not violate any of the laws administered by the Commission.

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

Issued: May 2, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-5293; Filed, May 2, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Promoter's Responsibility in Tripartite Promotional Assistance Plan

§ 15.346 Promoter's responsibility in tripartite promotional assistance plan.

(a) The Commission issued an advisory opinion relative to the duty and responsibility under the laws administered by the Commission of a promoter or intermediary in a tripartite promotional assistance plan.

(b) The Commission expressed the view that the fact that an intermediary is positioned between the supplier and the supplier's customers does not affect the applicability of the law to the plan. Such a plan must still provide all of the supplier's customers who compete with each other in reselling his products an opportunity to participate on proportionally equal terms. In this regard, the plan should contain suitable alternatives for customers who may be unable, as a practical matter, to participate in the primary proposal.

(c) The legality of such arrangements, in the Commission's view, is measured by whether the promoter and the suppliers using the plan have met this obligation toward the suppliers' customers or whether participating customers have actual or constructive knowledge that they disproportionately benefit under the plan.

(d) In the light of these general principles, the Commission declined to approve the proposed promotional plan for two reasons—(1) The proposal did not appear to be a complete plan offering practical alternatives for those customers unable to participate in the primary proposal, and (2) even if it did contain alternatives usable by all competing customers, they would apparently not all be notified of the entire plan so that each may choose which alternative is suitable for his own use.

(e) The Commission stated that if the proposed promotional assistance plan were implemented, section 2 (d) or (e) of the Clayton Act, as amended, and/or section 5 of the Federal Trade Commission Act would probably be violated.

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

Issued: May 2, 1969.

By direction of the Commission.[1]

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

[F.R. Doc. 69-5294; Filed, May 2, 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

Pyrethrins

A petition (PP 8F0692) was filed with the Food and Drug Administration by the Kenya Pyrethrum Co., 1715 Southeast Fifth Street, Minneapolis, Minn. 55414, proposing the establishment of tolerances for residues of the insecticide pyrethrins in the raw agricultural commodities: Milk at 0.002 part per million; and meat and fat of beef or dairy animals at 0.05 part per million.

Subsequently, the petition was amended by changing the proposed tolerances to 0.5 part per million in milk fat reflecting negligible residues in milk and 0.1 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

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

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.128 is revised to read as follows to establish the abovementioned tolerances:

§ 120.128 Pyrethrins; tolerances for residues.

Tolerances for residues of the insecticide pyrethrins (insecticidally active principles of *Chrysanthemum cinerariaefolium*) are established in or on raw agricultural commodities as follows:

From postharvest application: 3 parts per million in or on barley, birdseed mixtures, buckwheat, corn (including popcorn), rice, rye, and wheat.

From postharvest application: 1 part per million in or on almonds, apples, beans, blackberries, blueberries (huckleberries), boysenberries, cherries, cocoa beans, copra, cottonseed, crabapples, currants, dewberries, figs, flaxseed, gooseberries, grain sorghum, grapes, guavas, loganberries, mangoes, muskmelons, oats, oranges, peaches, peanuts (determined on the nuts with shell removed), pears, peas, pineapples, plums (fresh prunes), raspberries, tomatoes, and walnuts.

0.5 part per million in milk fat reflecting negligible residues in milk.

0.1 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

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

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

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

Dated: April 28, 1969.

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

[F.R. Doc. 69-5316; Filed, May 2, 1969; 8:46 a.m.]

[1] Commissioner Elman did not concur in this action of the Commission.

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter V—Smithsonian Institution

PART 530—CLAIMS

Part 530, Title 36, is added to the Code of Federal Regulations as follows:

Subpart A—Tort Claims

Sec.
530.1 Authority to settle.
530.2 Procedure for filing.
530.3 Place of filing.

Subpart B—Personal Property Claims of Federal Personnel

530.11 Authority and purpose.
530.12 Procedure for filing.
530.13 Time limitations.
530.14 Principal types of claims allowable.
530.15 Principal types of claims not allowable.
530.16 Settlement of claims.
530.17 Delegation of authority.
530.18 Employees Personal Property Claims Committee.
530.19 Annual report.

Subpart C—Claims Collection

530.21 Implementation of joint regulations.
530.22 Scope of regulations.
530.23 Delegation of authority.

Subpart A—Tort Claims

AUTHORITY: The provisions of this Subpart A are issued under sec. 1(a), 80 Stat. 306; 28 U.S.C. 2672.

§ 530.1 Authority to settle.

The General Counsel of the Smithsonian Institution, or his designee, is authorized to settle all claims against the United States for damages to property or for personal injuries or for death caused by the negligent act or failure to act of a Smithsonian Institution employee in the course of his employment cognizable under the Federal Tort Claims Act, as amended. Public Law 89–506 amended the Federal Tort Claims Act to provide that claims accruing after January 18, 1967, may be settled in accordance with regulations prescribed by the Attorney General, and it removed the monetary limitation of $2,500 on the authority of Federal agencies to settle claims administratively; however, settlement of tort claims under Public Law 89–506 in excess of $25,000 may be effected only with the advance written approval of the Attorney General or his designee. Claims accruing on or after January 18, 1967, shall be settled in accordance with the provisions of the regulations issued by the Department of Justice on December 29, 1966 (28 CFR Part 14), which are adopted and implemented by this part.

§ 530.2 Procedure for filing.

For purposes of the regulations in this part, a claim is deemed to have been presented when the Institution receives at the places designated in section 3, below, an executed "Claim for Damage or Injury," Standard Form 95, or other written notification of an incident, accompanied by a claim for money damages

in a sum certain for injury to or loss of property, for personal injury, or for death alleged to have occurred by reason of an incident.

§ 530.3 Place of filing.

A claimant shall mail or deliver his claim to the Chairman, Smithsonian Tort Claims Committee, Smithsonian Institution, Washington, D.C., or to the Office of the General Counsel.

Subpart B—Personal Property Claims of Federal Personnel

AUTHORITY: The provisions of this Subpart B are issued under sec. 3, 78 Stat. 767, as amended; 31 U.S.C. 241.

§ 530.11 Authority and purpose.

(a) The Act of August 31, 1964, Public Law 88–558, 78 Stat. 767, as amended (31 U.S.C. 240 et seq.), provides that subject to any policies which the President may prescribe and under such regulations as the head of an agency may prescribe, the Secretary of the Smithsonian or his designee may settle and pay a claim arising after the effective date of the Act (Aug. 31, 1964) against the United States for not more than $6,500 made by a Federal civilian officer or employee or a member of the uniformed services under the jurisdiction of the Smithsonian Institution, for damage to, or loss of personal property incident to Federal service.

(b) The general purpose of the authority provided by the statute is to make possible administrative settlement and payment of meritorious claims, in lieu of settlement and payment by private relief bills. The purpose, moreover, of this authority is to make it possible to reimburse Federal employees, not for any and all damage to, or loss of, personal property, but only for unusual and unforeseen loss of or damage to personal property, which is not covered by insurance and which is sustained through no fault of their own, as an incident of their employment.

§ 530.12 Procedure for filing.

A claim should be presented by the employee or by any authorized agent or legal representative, or, in the case of death, by his spouse, children, parents, or siblings. The claim should be substantiated by evidence such as written estimates of cost of repairs and a statement concerning the facts and circumstances surrounding the loss. It should indicate that the possession of the particular property was reasonable, useful, or proper under the circumstances and the loss was neither wholly nor in part due to the negligence of the employee. Claims should be mailed or delivered to the Chairman, Personal Property Claims Committee, Smithsonian Institution, Washington, D.C., or to the Office of the General Counsel.

§ 530.13 Time limitations.

The claim must be presented in writing no later than 2 years after it accrues (with exceptions in case of war or armed conflict).

§ 530.14 Principal types of claims allowable.

(a) In general, a claim may be allowed only for tangible personal property of a type and quantity that was reasonable, useful, or proper for the employee to possess under the circumstances at the time of the loss or damage.

(b) Claims that will ordinarily be allowed include, but are not limited to, cases in which the loss or damage occurred:

(1) In quarters assigned or provided in kind, by the Government, wherever situated;

(2) In quarters outside the 50 States and the District of Columbia whether or not assigned or provided in kind by the Government, unless the claimant is a local or native resident;

(3) In a place officially designated for storage of property such as a warehouse, office, or other storage place;

(4) In a marine, rail, aircraft, or other common disaster or a natural disaster such as a fire, flood, or hurricane;

(5) When the property, including personal clothing and vehicles, was subjected to extraordinary risks in the performance of duty, such as in connection with civil disturbances, public disorder, common or natural disaster, or efforts to save Government property or human life;

(6) When the property was used for the benefit of the Government at the direction of a superior; and

(7) When the property was money deposited with an authorized Government agent for safekeeping.

§ 530.15 Principal types of claims not allowable.

Claims that will ordinarily not be allowed include, but are not limited to, claims for:

(a) Losses or damages totaling less than $10 or more than $6,500;

(b) Money or currency except when deposited with an authorized Government agent for safekeeping or except when lost incident to a marine, rail, aircraft, or other common disaster or a natural disaster such as a fire, flood, or hurricane;

(c) Transportation losses involving baggage, household goods, or other shipments which could have been insured;

(d) Articles of extraordinary value;

(e) Articles being worn (unless allowable under section 4);

(f) Intangible property such as bank books, checks, notes, stock certificates, money orders, or travelers checks;

(g) Property owned by the United States unless the employee is financially responsible for it to another Government agency;

(h) Claims for loss or damage to motor vehicles or trailers (unless allowable under section 4);

(i) Losses of insurers and subrogees;

(j) Losses recoverable from insurers and carriers;

(k) Losses in quarters within the United States not assigned or otherwise provided in kind by the Government;

(l) Losses recovered or recoverable pursuant to contract;

(m) Claims for damage or loss caused, in whole or in part, by the negligent or wrongful act of the employee or his agent;

(n) Property used for business or profit;

(o) Theft from the possession of the employee unless due care was used to protect possession; or

(p) Property acquired, possessed or transported in violation of law, or regulations.

§ 530.16 Settlement of claims.

Where appropriate, lost or damaged property may be replaced in kind. As provided by the Act, fees payable to any agent or attorney in connection with a claim shall not exceed 10 percent of the amount paid. The settlement of a claim is final and conclusive for all purposes.

§ 530.17 Delegation of authority.

The General Counsel of the Smithsonian Institution or his designee is authorized to settle all claims against the United States for not more than $6,500 for damage or loss of personal property incident to Federal service.

§ 530.18 Employees Personal Property Claims Committee.

The Federal Tort Claims Committee as presently constituted shall serve as the Employees Personal Property Claims Committee and, when requested by the General Counsel or his designee, will review property claims and advise the General Counsel with regard to the disposition thereof.

§ 530.19 Annual report.

The Treasurer shall prepare an annual report for submission by the Secretary to the Congress on claims settled under this authority, as required by 31 U.S.C. 241(e), including therein the name of the claimant, the amount claimed, and the amount paid.

Subpart C—Claims Collection

AUTHORITY: The provisions of this Subpart C are issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309; 31 U.S.C. 951–953; Joint Regulations of GAO and the Department of Justice, 4 CFR Ch. II, Parts 101–105.

§ 530.21 Implementation of joint regulations.

The regulations in this part adopt and supplement as necessary for operations of the Smithsonian Institution all provisions of the Joint Regulations issued by the Comptroller General of the United States and the Attorney General of the United States (4 CFR Parts 101–105) under section 3 of the Federal Claims Collection Act of 1966, Public Law 89–508, 80 Stat. 308, 309. The regulations in this part prescribe standards for administrative collection of civil claims by the Government as well as compromise, suspension, or termination of agency collection action, with respect to claims not exceeding $20,000 exclusive of interest, and the referral to the General Accounting Office, and to the Department of Justice for litigation, of civil claims by the Government.

§ 530.22 Scope of regulations.

The standards set forth herein are not applicable where standards are prescribed under statutes other than the Federal Claims Collection Act of 1966, for compromise or termination of collection action, or waiver in whole or in part of claims thereunder.

§ 530.23 Delegation of authority.

The Head of the Procurement Activity shall collect, compromise, suspend, or terminate claims and shall take all necessary administrative action required under the Act and joint regulations except that no compromise of a claim shall be effected or collection action terminated except upon prior approval of the Office of the General Counsel.

Dated: April 28, 1969.

S. DILLON RIPLEY,
Secretary.

[F.R. Doc. 69-5335; Filed, May 2, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Restrictions Applicable to Fishing Vessels

Two notices of proposed rule making were published on March 14, 1969 (34 F.R. 5258) and March 29, 1969 (34 F.R. 5950) to amend Part 280, Title 50, Code of Federal Regulations, which are the regulations governing the Eastern Pacific yellowfin tuna fisheries.

Interested persons were given the opportunity to participate through a public hearing at San Diego on April 10, 1969, and through submission of written material which was accepted through April 18, 1969.

The recommendations of the Inter-American Tropical Tuna Commission made at its 1969 annual meeting in San Diego, March 18–22, 1969 (34 F.R. 5950) were approved by the Secretaries of the Departments of State and the Interior on March 28, 1969.

As evidenced by the testimony offered and by the written views received, the amendments to be adopted received general approval by the participating public. However, other proposed amendments (34 F.R. 5258) did not receive general approval. Therefore, further study of these proposed amendments is needed and the amendments or modifications of them will be adopted at a later date.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Paragraph (c) of § 280.6 of Title 50 CFR is amended as follows:

§ 280.6 Restrictions applicable to fishing vessels.

* * * * *

(c) Any master or other person in charge of a fishing vessel which has departed port after the date of the closure of the yellowfin season may possess on board such vessel and land in any port or place yellowfin tuna as provided for in subparagraphs (1), (2), and (3) of this paragraph: *Provided*, That the Director by appropriate notice in the FEDERAL REGISTER may adjust the incidental catch rates provided for in subparagraphs (1), (2), and (3) of this paragraph to assure that the U.S. 4,000-ton yellowfin allotment for vessels of 300 short tons or less carrying capacity is not underutilized and the fifteen percent (15%) overall incidental catch is not exceeded. Any quantity of yellowfin tuna possessed or landed in excess of the limitations provided for in subparagraphs (1), (2), and (3) of this paragraph shall be subject to seizure pursuant to section 10(e) of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 959(e)).

(1) Fishing vessels of over 300 short tons carrying capacity may possess on board and land in any port or place yellowfin tuna taken as an incident to fishing for those species listed in § 280.2 (b)(3), but in no event shall the yellowfin tuna permitted to be possessed or landed by such vessels exceed fifteen percent (15%) by round weight when included with those species listed in § 280.2(b)(3).

(2) Purse seiners of 300 short tons carrying capacity or less may possess on board and land in any port or place yellowfin tuna taken as an incident to fishing for those species listed in § 280.2 (b)(3), but in no event shall the yellowfin tuna so permitted to be possessed or landed by such vessel exceed thirty percent (30%) by round weight when included with those species listed in § 280.2(b)(3); except that those purse seiners of 300 short tons capacity or less known as local wetfish boats that meet the following criteria, (i) do not possess mechanical refrigeration aboard, (ii) do not deliver any yellowfin tuna during the open yellowfin tuna fishing season and, (iii) make deliveries on a daily basis, may accumulate the thirty percent (30%) allowance by weight for incidental catches of yellowfin tuna for the separate period April 16 to April 30, inclusive, and for each separate period consisting of one calendar month thereafter: *Provided*, That when the catch of yellowfin tuna by purse seiners of 300 short tons carrying capacity or less reaches 4,000 tons, the incidental catch rate for those vessels will revert to fifteen percent (15%). A notice of reversion which will apply to purse seiners of 300 short tons of capacity or less leaving port after a selected date will be published in the FEDERAL REGISTER.

(3) Bait boats of 300 short tons carrying capacity or less may possess on board and land in any port or place yellowfin tuna not to exceed fifty percent (50%) by round weight of the vessel's carrying capacity in short tons: *Provided*, That when the catch of yellowfin tuna by bait boats of 300 short tons carrying capacity or less reaches 1,500 short tons, the incidental catch rate for those vessels of yellowfin tuna will revert to fifteen percent (15%) of yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3). A notice of reversion which will apply to bait boats leaving port after a selected date will be published in the FEDERAL REGISTER.

(4) The short ton capacity of vessels shall be determined from tables prepared by the Commission which relate carrying capacity to gross and/or net tonnage and from official records available to the Bureau of Commercial Fisheries. Managing owners of purse seine vessels over 300 tons carrying capacity will be notified by registered mail that their vessel is in the large boat category and, therefore, that their incidental catch rate for yellowfin tuna caught in the eastern Pacific regulatory area on trips begun after the yellowfin closure will be fifteen percent (15%). Managing owners not receiving the above notification by registered mail can assume their vessel is in the category of 300 tons or less of carrying capacity. Except that to qualify for the bait boat yellowfin allocation described in this § 280.6(c) managing owners of bait boats of 300 short tons carrying capacity or less will, before the vessel departs on its first trip after the yellowfin closure, supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information, together with tables supplied by the Commission which relate to gross and/or net tonnage and from official records available to the Bureau of Commercial Fisheries will be used by the Regional Director to establish the carrying capacity of each vessel. Failure to comply will result in such vessels being limited to a fifteen percent (15%) incidental catch of yellowfin tuna taken as an incident to fishing for those species listed in § 280.2 (b)(3). This incidental rate will remain in effect for such vessels until the above documentation is supplied and the vessels' capacity determined.

* * * * *

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 30, 1969.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-5348; Filed, May 2, 1969; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

U.S. Arms Control and Disarmament Agency

Schedule A is amended to reflect the expiration by its own terms of the exception covering 17 positions of project

officers and physical science officers in the Agency. Effective May 1, 1969, § 213.-3164 is revoked.

(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. 69-5357; Filed, May 2, 1969; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Deputy Assistant Secretary for Youth and Student Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) is added to paragraph (n) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of the Assistant Secretary for Community and Field Services.* * * *

(4) One Deputy Assistant Secretary for Youth and Student Affairs.

(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. 69-5356; Filed, May 2, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

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

PART 26—GRAIN STANDARDS

Official Standards for Soybeans

Pursuant to the administrative procedure provisions of 5 U.S.C. section 553, and the U.S. Grain Standards Act (7 U.S.C. 71 et seq.), as amended by 82 Stat. 761, a notice was published in the FEDERAL REGISTER (34 F.R. 151) on January 4, 1969, regarding proposed amendments of §§ 26.601(k) and 26.602(b) of the Official Grain Standards of the United States for Soybeans (7 CFR 26.601 et seq.).

Statement of considerations. The U.S. Grain Standards Act provides for official U.S. standards to designate the levels of quality of grain for use by producers, merchandisers, and consumers in the trading of grain. If grain is described by grade in the course of its merchandising, it is mandatory that the official grade designations under the U.S. standards be used. Official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Approximately 5,000 copies of the notice of proposed rule making were sent to individuals, corporations, and associations interested in the production, marketing, and use of soybeans. All interested parties were given until February 3, 1969, to submit written data, views, or recommendations in connection with the proposed amendments. Consideration has been given to all comments received and to other information available to the U.S. Department of Agriculture.

In response to the notice, 31 letters of comment were received on the proposal. All of them were strongly in favor of adopting the change in the standards. The majority of the replies were from grain dealers, although exporters, producers, and other interested parties also expressed their views. In view of the comments received and other information available to the Department, it has been determined that adoption is warranted for the proposal that damaged kernels shall include "stink-bug-stung" kernels and that, in grading soybeans, stink-bug-stung" kernels shall be considered as damaged kernels at the rate of one-fourth of the actual percentage of such stung kernels. For example, a sample with 8 percent of stink-bug-stung kernels and 2 percent of frost-damaged kernels would be considered to contain a total of 4 percent of damaged kernels $((\frac{1}{4}\times 8)+2=4)$.

In reviewing the proposed changes, it was concluded that the provisions proposed for § 26.602(b) would more appropriately be included in § 26.601(k). This change does not alter the effect of the amendment from that of the original proposal.

Accordingly, § 26.601(k) of the standards is amended to read as follows:

§ 26.601 Terms defined.

* * * * *

(k) *Damaged kernels.* Damaged kernels shall be soybeans and pieces of soybeans which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, moldy, diseased, stink-bug stung, or otherwise materially damaged. Stink-bug-stung kernels shall be considered damaged kernels at the rate of one-fourth of the actual percentage of the stung kernels.

The U.S. Grain Standards Act, as amended, provides that no changes in the standards shall become effective less than 1 year after promulgation thereof, unless in the judgment of the Secretary the public health, interest, or safety requires that they become effective sooner.

It is hereby determined that the public interest requires that the foregoing amendment shall become effective on September 1, 1969, for the following reasons:

1. It was stated in the notice of proposed rule making that the changes, if adopted, would be effective on or about September 1, 1969. The comments received on the proposed revision expressed a need to make the revision effective on or before the beginning of the 1969 soybean harvest. Soybean harvesting in the United States usually begins in September.

2. Research findings and evaluation of marketing practices support the conclusion that the presence of soybean kernels damaged by stink-bug stings does not adversely affect the economic value of the lot of soybeans as much as the presence of soybean kernels damaged by mold or other causes. It is expected that part of the 1969 soybean crop, particularly in certain sections of the South, will be damaged by stink-bug stings. These soybeans will be discounted in price below their true value when marketed unless the amendment becomes effective on or before the beginning of the soybean harvest and marketing season. Such price discounts will adversely affect country shippers and producers.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is also found upon good cause that further notice and public participation in rule making on the amendment are unnecessary.

For a reasonable period after the effective date, grain inspectors will, upon request, show on inspection certificates the grades under both the new and the old standards.

(Sec. 4, 39 Stat. 482, as amended by 82 Stat. 762, 7 U.S.C.A. 76; 29 F.R. 16210, as amended, 33 F.R. 10750)

Done at Washington, D.C., this 30th day of April 1969.

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

[F.R. Doc. 69-5361; Filed, May 2, 1969; 8:50 a.m.]

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

[Grapefruit Regulation 35, Amdt. 3]

PART 909—GRAPEFRUIT GROWN IN THE STATE OF ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid

amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on April 24, 1969, to consider recommendation for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting; necessary supplemental economic and statistical information upon which this recommended amendment is based were received on April 25, 1969; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof.

Order. In § 909.335 (Grapefruit Regulation 35; 33 F.R. 15295; 34 F.R. 810, and 34 F.R. 5907) the provisions of paragraph (a) are amended to read as follows:

§ 909.335 Grapefruit Regulation 35.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period May 4 through August 30, 1969, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purpose of this regulation shall include the requirement that the grapefruit be free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided,* That in lieu of the 10 percent tolerance provided for the U.S. No. 2 grade, not more than a total tolerance of 20 percent, by count, shall be allowed for grapefruit which fail to meet the requirements of such grade: *Provided further,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(*a*) 10 percent, by count, for defects other than serious damage caused by dryness or mushy condition, including therein not more than 5 percent, by count, for grapefruit having peel more than 1 inch in thickness at the stem end, measured from the flesh to the highest point of the peel; and,

(*b*) 15 percent, by count, for serious damage caused by dryness or mushy condition, including therein not more than 5 percent, by count, for grapefruit having 40 percent or more of the pulp or edible portion of the grapefruit showing evidence of dryness or mushy condition; or

(ii) Any grapefruit which measure less than $3^{11}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3^{11}/_{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{7}/_{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3^{11}/_{16}$ inches in diameter directly to a destination in Zone 4, Zone 3, or Zone 2; and if the grapefruit is so handled directly to Zone 2 the grapefruit does not measure less than $3^{1}/_{16}$ inches in diameter: *Provided,* That a tolerance of 5 percent, by count, of grapefruit smaller than $3^{1}/_{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than $3^{1}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are $3^{11}/_{16}$ inches in diameter and smaller.

* * * * *

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

Dated May 1, 1969, to become effective May 4, 1969.

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

[F.R. Doc. 69-5429; Filed, May 2, 1969; 11:21 a.m.]

[Lemon Reg. 372]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.672 Lemon Regulation 372.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 29, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 4, 1969, through May 10, 1969, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 255,750 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: May 1, 1969.

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

[F.R. Doc. 69-5389; Filed, May 2, 1969; 8:50 a.m.]

[Grapefruit Reg. 63]

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

Limitation of Handling

§ 912.363 Grapefruit Regulation 63.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 1, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period May 5, 1969, through May 11, 1969, is hereby fixed at 225,000 standard packed boxes.

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

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

Dated: May 2, 1969.

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

[F.R. Doc. 69-5430; Filed, May 2, 1969; 11:21 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Parts 161, 162, 163, 166, 168, 242, 245]

SPECIAL SERVICES; DOMESTIC AND INTERNATIONAL MAIL

Proposed Changes in Fees

Notice is hereby given of proposed rule making consisting of amendments to §§ 161.2(a); 162.2(c); 163.1; 166.2(a); 168.3; 242.3; 242.5(a)(1); and 245.3(a) of Title 39, Code of Federal Regulations. It is proposed to increase the fees for the special services provided for in the cited sections. The increases are designed to improve the Department's financial posture in the operation of those special services. It is further proposed to make the increased fees effective July 1, 1969.

The proposed increases are as follows:

I. Registry fees (39 CFR 161.2(a)):

a. In the first six value categories (up to $1,000) set out in the table an increase of 5 cents in each of the six fees is proposed.

NOTE: Item a above applies to articles covered by commercial or other insurance, as well as to articles not covered by such insurance.

b. For articles not covered by commercial or other insurance:

1. In the seventh through 10th value categories ($1,000.01 to $5,000) in the table an increase of 10 cents in each of the four fees is proposed.

2. In the 11th, 12th, and 13th categories ($5,000.01 to $8,000) in the table an increase of 15 cents in each of the three fees is proposed.

3. In the 14th and 15th categories ($8,000.01 to $10,000) in the table an increase of 20 cents in each of the two fees is proposed.

4. For articles valued from $10,000.01 to $1,000,000, it is proposed to change the base rate from $4.25 to $4.45. The handling charge of 15 cents per $1,000 or fraction over the first $10,000 would remain the same.

5. For articles valued from $1,000,000.01 to $15,000,000, it is proposed to change the base rate from $152.75 to $152.95. The handling charge of 10 cents per $1,000 or fraction over the first $1,000,000 would remain the same.

c. For articles covered by commercial or other insurance:

1. For articles up to a valuation of $1,000 the proposed fee increase would be the same as for articles not covered by commercial or other insurance (see above).

2. For articles valued from $1,000.01 to $1,000,000, it is proposed to change the base rate from $2.00 to $2.05. The handling charge of 15 cents per $1,000 or fraction over the first $1,000 would remain the same.

3. For articles valued from $1,000,000.01 to $15,000,000, it is proposed to change the base rate from $151.85 to $151.90. The handling charge of 10 cents per $1,000 or fraction over the first $1,000,000 would remain the same.

d. It is proposed that the fee for return receipt requested at time of mailing showing to whom and when delivered be increased from 10 cents to 15 cents.

e. It is proposed that the fee for C.O.D. service used in conjunction with registered mail be increased from 60 cents to 70 cents.

II. Insurance (39 CFR 162.2(c)): It is proposed that the fee for return receipt requested at time of mailing showing to whom and when delivered be increased from 10 cents to 15 cents.

III. C.O.D. (39 CFR 163.1): It is proposed that C.O.D. fees be increased 10 cents; and that the fee for notice of nondelivery of a C.O.D. article be increased from 5 cents to 10 cents.

IV. Special delivery (39 CFR 166.2(a)): It is proposed that special delivery fees be increased 15 cents for first-class, air, and priority mail, and 10 cents for all other classes.

V. Certified mail (39 CFR 168.3): It is proposed that the fee for return receipt requested at time of mailing showing to whom and when delivered would be increased from 10 cents to 15 cents.

VI. Registration (39 CFR 242.3; 242.5(a)(1)): It is proposed that the 75-cent fee for Postal Union registered mail and parcel post registry be increased to 80 cents. It is further proposed that the fee for return receipt requested at time of mailing be increased from 13 cents to 15 cents.

VII. Special delivery (Express)—(39 CFR 245.3(a)): It is proposed that the special delivery fees for Postal Union mail be increased 15 cents for letters, letter packages, postcards, and airmal other articles, and 10 cents for surface other articles.

The amendments set out below would effectuate the proposed fee increases outlined above.

Interested persons who desire to do so may submit written data, views, and arguments concerning the proposed amendments to the Director, Office of Postal Economics, Bureau of Finance and Administration, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, the following amendments to Title 39, Code of Federal Regulations, are proposed to be adopted effective July 1, 1969.

PART 161—REGISTRY

In § 161.2 *Fees and liability*, paragraph (a) would be amended to read as follows:

§ 161.2 Fees and liability.

(a) *Fees.*

Value	Fees (in addition to postage)	
	For articles not covered by commercial or other insurance	For articles also covered by commercial or other insurance
$0.00 to $100	$0.80	$0.80
$100.01 to $200	1.05	1.05
$200.01 to $400	1.30	1.30
$400.01 to $600	1.55	1.55
$600.01 to $800	1.80	1.80
$800.01 to $1,000	2.05	2.05
$1,000.01 to $2,000	2.35	
$2,000.01 to $3,000	2.60	$2.05 plus handling charge of 15 cents per $1,000 or fraction over first $1,000.
$3,000.01 to $4,000	2.85	
$4,000.01 to $5,0000	3.10	
$5,000.01 to $6,000	3.40	
$6,000.01 to $7,000	3.65	
$7,000.01 to $8,000	3.90	
$8,000.01 to $9,000	4.20	
$9,000.01 to $10,000	4.45	
$10,000 to $1,000,000	$4.45 plus handling charge of 15 cents per $1,000 or fraction over first $10,000.	
$1,000,000.01 to $15,000,000	$152.95 plus handling charge of 10 cents per $1,000 or fraction over first $1,000,000.	$151.90 plus handling charge of 10 cents per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on considerations of weight, space and value.	

Additional Services	Extra fee
C.O.D. (Maximum amount collectible is $200)	$0.70
Restricted Delivery	.50
Return Receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	.15
Showing to whom, when, and addressed where delivered	.35
Requested after mailing:	
Showing to whom and when delivered	.25

NOTE: The corresponding Postal Manual section is 161.21.

* * * * *

PART 162—INSURANCE

In § 162.2 *Fees*, paragraph (c) would be amended to read as follows:

§ 162.2 Fees.

* * * * *

(c) *Return receipts.*

(Not available for mail insured for $15 or less)	Fee
(1) Requested at time of mailing:	
Showing to whom and when delivered	$0.15
Showing to whom, when, and addressed where delivered	.35
(2) Requested after mailing:	
Showing to whom and when delivered	.25

NOTE: The corresponding Postal Manual section is 162.23.

PART 163—C.O.D.

Section 163.1 *Fees (in addition to postage)*, would be amended to read as follows:

§ 163.1 Fees (in addition to postage).

Amount to be collected or insurance coverage desired	*C.O.D. fee*
$0.01 to $10	$0.70
$10.01 to $25	.80
$25.01 to $50	.90
$50.01 to $100	1.00
$100.01 to $200	1.10
Restricted delivery	.50
Notice of nondelivery	.10
Alteration of charges or delivery	.35

NOTE: The corresponding Postal Manual section is 163.1.

PART 166—SPECIAL DELIVERY

In § 166.2 *Payment for special delivery*, paragraph (a) would be amended to read as follows:

§ 166.2 Payment for special delivery.

(a) *Special delivery fees.*

Class of mail	Weight: Not more than 2 lbs.	Weight: More than 2 lbs. but not more than 10 lbs.	Weight: More than 10 lbs.
First class, air, and priority mail	$0.45	$0.60	$0.75
All other classes	.65	.75	.90

NOTE: The corresponding Postal Manual section is 166.21.

* * * * *

PART 168—CERTIFIED MAIL

Section 168.3 *Fees*, would be amended to read as follows:

§ 168.3 Fees.

	Cents
Fee in addition to postage	$0.30
Restricted delivery	.50
Return Receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	.15
Showing to whom, when, and address where delivered	.35
Requested after mailing:	
Showing to whom and when delivered	.25

NOTE: The corresponding Postal Manual section is 168.3.

PART 242—REGISTRATION

1. Section 242.3 *Fees*, would be amended to read as follows:

§ 242.3 Fees.

For Postal Union mail, the fee is 80 cents. The same fee applies to parcel post. See country items in the appendix of this subchapter. (See § 272.2 of this chapter for indemnity provisions.)

NOTE: The corresponding Postal Manual section is 242.3.

2. In § 242.5 *Return receipts*, paragraph (a)(1) would be amended to read as follows:

§ 242.5 Return receipts.

(a) *Requested at time of mailing.* (1) Fee: 15 cents. If the mailer desires that his return receipt be sent back by airmail, the article must be prepaid an additional fee equal to the airmail postage on a single post card to the country of destination.

NOTE: The corresponding Postal Manual section is 242.511.

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PART 245—SPECIAL DELIVERY (EXPRESS)

In § 245.3 *Payment*, paragraph (a) would be amended to read as follows:

§ 245.3 Payment.

(a) *Fees.*

Class of mail	Weight: Not more than 2 lbs.	Weight: More than 2 lbs. but not more than 10 lbs.	Weight: More than 10 lbs.
Letters, letter packages, post cards, and airmail other articles	$0.45	$0.60	$0.75
Surface other articles	.65	.75	.90

NOTE: The corresponding Postal Manual section is 245.31.

* * * * *

(5 U.S.C. 301, 39 U.S.C. 501, 505, 507)

DAVID A. NELSON,
General Counsel.

APRIL 30, 1969.

[F.R. Doc. 69-5343; Filed, May 2, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 69-SW-26]

AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 206A Helicopters, S/N 4 through S/N 153, equipped with magnesium tail booms. Fatigue cracks have been found on seven magnesium tail boom assemblies, P/N 206-031-004-1 and -3, on Bell Model 206A Helicopters, one of which extended approximately 180° around the tail boom cross section. Depending on location and severity of the crack, failure of the tail boom could occur with resultant loss of control. Since this condition is likely to exist or develop in other helicopters of the same type design that are equipped with magnesium tail booms, the proposed airworthiness directive would require a daily visual inspection for tail boom cracks using a three-power or higher magnifying glass and a 25-hour periodic inspection for tail boom cracks using a three-power or higher magnifying glass along with necessary tail rotor balance. The proposed directive would also require replacement of the magnesium tail boom whenever certain cracks are found and replacement, within specified limitations, of magnesium tail booms having or accumulating 500 hours' time in service. A sufficient supply of aluminum tail boom assembly replacements are available from Bell Helicopter Co.

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 docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received on or before June 5, 1969, will be considered by the Director, before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date

for comments in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

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, 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:

BELL. Applies to Bell Model 206A Helicopters, Serial Nos. 4 through 153, equipped with the magnesium tail boom assembly, Part No. 206-031-004-1 or -3.

Compliance required as indicated.

To prevent failure of the magnesium tail boom due to fatigue cracks, accomplish the following:

(a) Before the first flight of each day after the effective date of this AD:

(1) Remove the tail rotor drive shaft cover.

(2) Inspect the skin adjacent to the rivet holes for cracks in the following areas, using a three-power or higher magnifying glass:

(i) The tab attachment of the drive shaft cover to the tail boom.

(ii) The area adjacent to the rivnut attachment of the tail rotor gear box fairing to the tail boom.

(iii) The horizontal stabilizer attachment fittings.

(3) Repair tail booms with only one skin crack less than one inch in length if the crack is located in an area described in (a)(2) (ii) or (iii) above, by stop drilling and deburring the holes.

(4) Remove and replace tail booms with any other skin crack, in accordance with Paragraphs 8-37 through 8-47 of the Model 206A Maintenance and Overhaul Instructions.

(b) Within 25 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 25 hours' time in service from the last inspection:

(1) Remove the tail rotor drive shaft cover and the gear box fairing.

(2) Inspect the skin adjacent to the rivet holes for cracks in the following areas, using a three-power or higher magnifying glass:

(i) The tab attachment of the drive shaft cover to the tail boom.

(ii) The rivnut attachments of the tail rotor gear box fairing to the tail boom.

(iii) The horizontal stabalizer attachment fittings.

(3) Repair tail booms with only one skin crack less than 1 inch in length if the crack is located in an area described in (b)(2) (ii) or (iii) above, by stop drilling and deburring the holes.

(4) Remove and replace tail booms with any other skin crack, in accordance with Paragraphs 8-37 through 8-47 of the Model 206A Maintenance and Overhaul Instructions, before further flight.

(5) Inspect tail rotor balance and balance, if necessary, in accordance with Paragraph 2A on Page 2 of Bell Service Bulletin No. 206A-7 dated August 22, 1968, or later FAA-approved revision or in accordance with an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

(c) Remove and replace magnesium tail booms with 400 or more hours' time in service on the effective date of this AD within 100 hours' time in service therefrom.

(d) Remove and replace magnesium tail booms with less than 400 hours' time in service on the effective date of this AD, prior to accumulating 500 hours' time in service.

(e) Remove and replace all subsequent replacement magnesium tail booms prior to accumulating 500 hours' time in service.

(Bell Helicopter Co. Service Bulletin No. 206A-7 dated Aug. 22, 1968, pertains to this subject.)

Issued in Fort Worth, Tex., on April 25, 1969.

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

[F.R. Doc. 69-5326; Filed, May 2, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-9]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Crookston, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Crookston Municipal Airport-Kirkwood Field at Crookston, Minn., using a state-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Crookston, Minn. This procedure will become effective concurrently with the designation of the transition area. The Minneapolis ARTC Center through the Grand Forks, N. Dak., Flight Service Station will control IFR traffic into and out of Crookston Municipal Airport-Kirkwood Field.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

CROOKSTON, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Crookston Municipal Airport-Kirkwood Field (latitude 47°50'30" N., longitude 96°-37'10" W.); and within 3 miles each side of the 304° bearing from Crookston Municipal Airport-Kirkwood Field, extending from the 5-mile radius area to 8 miles northwest of the airport, and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 124° bearing from Crookston Municipal Airport-Kirkwood Field, extending from the airport to 12 miles southeast of the airport; and within 8 miles southwest of the 124° and 304° bearings from Crookston Municipal Airport-Kirkwood Field, extending from 2 miles northwest to 6 miles southeast of the airport, excluding the portion which overlies the Grand Forks, N. Dak. 1,200-foot floor transition area.

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

Issued at Kansas City, Mo., on April 21, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-5327; Filed, May 2, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket 69-EA-28]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is proposing to amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Cambridge, Md., transition area (34 F.R. 4658).

A new VOR instrument approach procedure has been authorized for Cambridge Municipal Airport, Cambridge, Md., predicated on the Salisbury, Md., VORTAC and will require alteration of the Cambridge, Md., transition area to provide airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief,

Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Cambridge, Md., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Cambridge, Md., transition area, the last period and add the following: "and within 2 miles each side of the Salisbury, Md. VORTAC 295° radial, extending from the 5-mile radius area to 25 miles northwest of the VORTAC."

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

Issued in Jamaica, N.Y., on April 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-5328; Filed, May 2, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket 69-EA-38]

TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the White Sulphur Springs, W. Va., transition area (34 F.R. 4784), and designate a 700-foot transition area over Greenbrier Valley Airport, Lewisburg, W. Va.

The VOR-1 instrument approach procedure authorized for Greenbrier Valley Airport, Lewisburg, W. Va., and a new NDB (ADF) RWY 4 instrument approach procedure developed for that airport requires the designation of a full time 700-foot Lewisburg, W. Va., transition area to provide airspace protection for aircraft executing the arrival and departure procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lewisburg, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Lewisburg, W. Va., transition area described as follows:

LEWISBURG, W. VA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°51'35" N., 80°23'55" W. of Greenbrier Valley Airport, Lewisburg, W. Va.; within 2 miles each side of the Runway 22 centerline, extended from the 7-mile radius area to 8 miles southwest of the end of the runway; within 2 miles each side of the Runway 4 centerline, extended from the 7-mile radius area to 15.5 miles northeast of the end of the runway; within 2 miles each side of the White Sulphur Springs, W. Va. VOR 321° radial, extending from the 7-mile radius area to the VOR; and within 2 miles each side of a 208° bearing from the Lewisburg, W. Va., RBN (37°51'39" N., 80°24'02" W.), extending from the 7-mile radius area to 8 miles southwest of the RBN.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the White Sulphur Springs, W. Va., transition area by deleting the description of the area and inserting in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°47'00" N., 80°20'00" W. of Greenbrier Airport, White Surphur Springs, W. Va., and within 2 miles each side of the White Sulphur Springs, W. Va., VOR 115° radial extending from the 7-mile radius area to 8 miles southeast of the VOR, excluding the portion that coincides with the Lewisburg, W. Va., transition area. This transition area shall be effective from sunrise to sunset daily.

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

Issued in Jamaica, N.Y., on April 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-5329; Filed, May 2, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-33]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time 700-foot transition area over Errol Airport, Errol, N.H.

A new VOR-1 instrument approach procedure has been developed for Errol Airport, Errol, N.H., predicated on the Berlin, N.H., non-Federal very high frequency omni-directional range. This procedure will require designation of a part-time 700-foot transition area to provide airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Errol, N.H., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time Errol, N.H., transition area described as follows:

ERROL, N.H.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (44°47'25" N., 71°09'30" W.) of Errol Airport, Errol, N.H., and within 2 miles each side of the Berlin, N.H., VOR (44°38'05" N., 71°11'12" W.) 006° radial extending from the 5-mile radius area to the VOR, excluding the portion that coincides with the Berlin, N.H., 700-foot transition area. This transition area is effective from sunrise to sunset, daily.

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

Issued in Jamaica, N.Y., on April 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-5330; Filed, May 2, 1969; 8:48 a.m.]

Federal Railroad Administration

[49 CFR Part 232]

[Docket No. FRA-PB-2]

POWER OR TRAIN BRAKE SAFETY APPLIANCE ACT OF 1958

Extension of Time for Filing of Comments and Postponement of Hearing

By notice published in the FEDERAL REGISTER on February 11, 1969 (34 F.R. 1958), the Federal Railroad Administration announced that it was proposing to amend section 232.11 by adding two new paragraphs (e) and (f), thereto. Subsequently, by notice published in the FEDERAL REGISTER on March 18, 1969 (34 F.R. 5336), the time to file comments with respect to the proposal was extended to May 14, 1969, and the oral hearing was rescheduled for May 26, 1969. That notice also extended the time for comments on Docket No. FRA-PB-1 to July 11, 1969, and postponed the hearing thereon until further notice. In addition, that notice intiated a new rule making (Docket No. FRA-PB-3) to develop a general revision of Part 232. The time for filing comments thereon was also set at July 11, 1969.

We have now been requested by the Association of American Railroads to grant a further extension of time with respect to Docket No. FRA-PB-2, so that the significance of the proposal could be evaluated in conjunction with Dockets Nos. FRA-PB-1 and PB-3. That request is hereby granted and the time for filing of comments on Docket No. FRA-PB-2 is hereby extended to July 11, 1969. The oral hearing set for May 26, 1969, is hereby postponed to be rescheduled at a later time.

Issued in Washington, D.C., on April 29, 1969.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

[F.R. Doc. 69-5332; Filed, May 2, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 81, 83]

[Docket No. 18480]

MARITIME MOBILE SERVICE

Conformity of Certain Coast and/or Ship Stations to Frequency Tolerance, Power Limitations and Low-Pass Filter Requirements; Order Extending Time for Filing Comments

In the matter of amendment of Parts 81 and 83 to require, in the maritime mobile service band 156-162 Mc/s, that coast and/or ship stations using transmitters first installed after January 1, 1970, conform to the frequency tolerance, power limitations and low-pass filter requirements set forth in §§ 81.131, 81.142(i), 83.131(c), 83.134(f), and 83.137(g) as amended; Docket No. 18480.

1. The Chief, Safety and Special Radio Services Bureau, acting under delegated authority, has under consideration a request filed by the National Marine Electronics Association Inc. (NMEA), for extension of time for filing comments in the above-entitled proceeding. The prescribed time for filing comments expired on April 21, 1969, and reply comments on May 1, 1969. The petitioner has requested that the prescribed time be extended for a period of 30 days.

2. In support of its request, NMEA states that the additional time is required in order to allow the NMEA officers and members to meet and discuss the issues at their April 21, 1969, meeting in Cleveland, Ohio.

3. It appears that the additional time requested by NMEA would not unduly delay action and the comments would be useful to the Commission in resolving the issues in this proceeding.

4. In view of the foregoing: *It is ordered*, This 25th day of April 1969, pursuant to § 0.331(b)(4) and 1.46 of the Commission's rules, that the time for filing comments in the above-captioned proceeding is extended from April 21, 1969, to May 21, 1969, and the time for filing reply comment is extended from May 1, 1969, to June 2, 1969.

Adopted: April 25, 1969.

Released: April 29, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] J. E. BARR,
Chief, Safety and Special Radio Services Bureau.

[F.R. Doc. 69-5347; Filed, May 2, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 2230]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 25, 1969.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. R 2230, for the withdrawal of public domain lands to be set apart and reserved as a part of the San Bernardino National Forest for administration as a part of the national forest pursuant to the provisions of the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1).

The applicant desires the lands for addition to the San Bernardino National Forest because they have important flood erosion and flood prevention values.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92507.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's need, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

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

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

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

The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO NATIONAL FOREST

T. 1 N., R. 2 W.,
Sec. 7, NW¼.

Containing 160 acres in San Bernardino County, Calif.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 69–5333; Filed, May 2, 1969; 8:48 a.m.]

[U–1559, U–2672, U–2809, U–7115, U–7546]

UTAH

Order Opening Lands to Application, Entry, and Patenting

APRIL 25, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), title to the following described lands has been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 11 N., R. 5 E.,
Sec. 3, lot 12;
Sec. 4, lots 1, 8, 9.

T. 12 N., R. 6 E.,
Sec. 2, W½SW¼;
Sec. 3, SE¼SE¼;
Sec. 10, E½NE¼;
Sec. 11, NW¼NW¼, E½NW¼, SW¼NE¼;
Sec. 12, SW¼NW¼.

T. 6 N., R. 9 W.,
Sec. 16, lots 1, 2, 3, 4, 5, 6, N½NW¼, SW¼NW¼;
Sec. 32, all.

T. 10 N., R. 17 W.,
Sec. 5, all;
Sec. 7, all.

T. 11 N., R. 17 W.,
Sec. 21, all;
Sec. 31, all;
Sec. 33, all.

T. 6 S., R. 5 W.,
Sec. 29, all;
Sec. 31, all.

T. 7 S., R. 5 W.,
Sec. 6, lots 1, 2, 3, 4, 5, S½NE¼, SE¼NW¼.

The lands described aggregate 6,268.60 acres.

2. The lands are located in Rich, Box Elder, and Tooele Counties. The topography varies from flat to mountainous. The lands are semiarid in character and are not suitable for farming. They have values for watershed, grazing, wildlife and recreation, which can best be managed under principles of multiple use. These lands are subject to the classifications for multiple-use management for Rich, Box Elder, and Tooele Counties, made under authority of the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18). They are not open to petition-application under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. 334), nor to public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171).

3. The United States did not acquire the mineral rights.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on June 2, 1969 be opened to application, petition and selection. All valid applications received at or prior to 10 a.m. on June 2, 1969 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning these lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 69–5317; Filed, May 2, 1969; 8:46 a.m.]

[U–7544]

UTAH

Order Opening Lands to Application, Entry, and Patenting

APRIL 25, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), title to the following described land has been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 30 S., R. 2 W.,
Sec. 26, S½SW¼;
Sec. 35, W½NW¼.

The area described contains 160 acres.

2. The land is located in Piute County, 3½ miles northeast of Antimony. The topography is level. The land is semiarid in character and is not suitable for farming. It has values for watershed, grazing, wildlife and recreation, which can best be managed under the principles of multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the land will be at 10 a.m. on June 2, 1969, be opened to application, petition, and selection, including location under the U.S. mining laws. All valid applications received at or prior to 10 a.m. on June 2, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the land should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 69–5318; Filed, May 2, 1969; 8:46 a.m.]

Bureau of Mines

DIRECTOR ET AL.

Redelegation of Authority

Bureau of Mines delegations issued May 7, 1964 (29 F.R. 6093), and May 30, 1967 (32 F.R. 7874), respectively, are revised to read as follows:

PART 205—BUREAU OF MINES GENERAL DELEGATIONS

205.10.2 *Abandonment or destruction.* The Director is authorized to exercise the authority delegated to the Secretary in full compliance with Federal Property Management Regulations, Subpart 101–47.5 to abandon, destroy, or donate to public bodies, real property with no commercial value, or real property the estimated cost of continued care and handling of which would exceed the estimated proceeds from its sales. This authority is redelegated to the Assistant Director—Administration.

205.10.8 *Leases.* The Director is authorized to exercise the authority delegated to the Secretary by Federal Property Management Regulations § 101–18.000 and specifically § 101–18.106 with respect to acquisition by lease of space in buildings and land located in the United States and its territorial possessions: *Provided*, That the space is to be used wholly or predominantly for the special purposes of the Bureau and will not be generally suitable for the use of other agencies; or that is required for use incidental to and in conjunction with space that will be used for such special purposes; or that is to be acquired under a lease involving no rental or nominal consideration of $1 each year. This authority is redelegated to the Assistant Director—Administration.

205.11.2 *Negotiated purchases and contracts for property and services.* The authority to enter into negotiated contracts under sections 302(c) (1) through (10) and (13) through (15) of the Federal Property and Administrative Services Act of 1949, as amended: *Provided*, That any one contract negotiated under section 302(c)(1) shall not exceed $25,000, is redelegated to: Assistant Director—Administration.

The authority to enter into negotiated contracts under sections 302(c) (1) through (5), (10), (13), and (14) of the Federal Property and Administrative Services Act of 1949, as amended, in amounts not to exceed $100,000 for any one contract except that any one contract negotiated under section 302(c)(1) shall not exceed $25,000, is redelegated to the following officials:

Associate Director—Health and Safety.
Assistant Director—Helium.
Assistant Director—Mineral Resource Evaluation.
Assistant Director—Minerals Research.
Assistant Director—Planning.

The authority delegated herein shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior, and the Bureau of Mines.

This authority may be redelegated within the limitations of 205 DM 11.2 A, B, and C.

JOHN F. O'LEARY,
Director, Bureau of Mines.

[F.R. Doc. 69–5319; Filed, May 2, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

May Sales List

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

1. The U.S. Department of Agriculture announced today the price at which Commodity Credit Corporation (CCC) commodity holdings are available for sale, beginning at 3 p.m., e.d.t., on April 30, 1969, and, subject to amendment, continuing until superseded by the June Monthly Sales List.

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

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list, and for commodities stored at other locations from ASCS commodity and grain offices also shown at the end of the list.

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

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

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

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

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

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

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

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within

a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

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

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

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

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

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

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

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

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

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

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

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

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

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

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

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR-345 (Revision IV, Oct. 30, 1967, as amended) as follows:

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

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

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

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

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

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

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

CORN, BULK

Unrestricted use.

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

B. *General sales.*

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

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

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

Markup in-store	Examples
$0.14½	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.00+$0.02½) 115 percent +$0.14½; $1.43½. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.09+$0.02½ +$0.19); 105 percent +$0.14½; $1.51½.

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

GRAIN SORGHUM, BULK

Unrestricted use.

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

B. *General sales.*

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

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

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

See footnotes at end of document.

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.24¼	$0.20¼	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.63) 115 percent +$0.24¼; $2.12¼. Kansas City, Mo. ($1.81) 115 percent +$0.20¼; $2.29¼. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.63+$0.34); 105 percent +$0.24¼; $2.31¼. Kansas City, Mo. ($1.81+$0.34); 105 percent +$0.20¼; $2.46¼.

Export.

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

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

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

BARLEY, BULK

Unrestricted use.

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

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

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

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

Export.

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

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

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

OATS, BULK

Unrestricted use.

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

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

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

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

Export.

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

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

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

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent[2] of the applicable 1968 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

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

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½	$0.15	Agriculture Act of 1949 Statutory Minimum. Rollete County, N.Dak. ($0.80); 115 percent +$0.17½; $1.20½. Minneapolis, Minn. ($1.23); 115 percent +$0.15; $1.57.

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

Export.

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

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

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

RICE, ROUGH

Unrestricted use.

Market price but not less than 1968 loan rate plus 5 percent plus 41 cents per hundredweight, basis in store.

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

COTTON, UPLAND

Unrestricted use.

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

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

Export.

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

COTTON, EXTRA LONG STAPLE

Unrestricted use.

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

Export.

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

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

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

Availability information.

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

COTTONSEED MEAL, BULK OR SACKED

Export:

Competitive offers, but not less than $45 per ton f.o.b. origin location under the terms and conditions of Announcement NO-CS-7. Sales will be made only for export to Far East countries having ports on the Pacific Ocean or on a sea tributary thereto (including Australia and New Zealand).

Available. New Orleans Commodity Office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade

offered are announced in weekly lot lists or invitations to bid issued by the following:
GFA Peanut Association, Camilla, Ga.
Peanut Growers Cooperative Marketing Association, Franklin, Va.
Southwestern Peanut Growers' Association, Gorman, Tex.

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

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

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

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

TUNG OIL

Unrestricted use.

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

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

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

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

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

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1968 price-support rate[3] for the grade and quality of the flaxseed plus the applicable markup.

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

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
$0.16¼	$0.12¾	Minneapolis, Minn. ($3.16) 105 percent + $0.12¾; $3.44¼.

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

Available. Through the Minneapolis ASCS Branch Office.

DAIRY PRODUCTS

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

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

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

Export.

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

BUTTER

Unrestricted use.

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

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

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

FOOTNOTES

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

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

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

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

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353-6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 725-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226-3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales). California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 725-3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527-7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264-8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: Area Code 415, 556-6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525-4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633-8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284-4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9-3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372-1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442-3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 725-7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587-4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475-3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237-5205.

Ohio, Room 202, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469-5644.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352-8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254-4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on April 30, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-5360; Filed, May 2, 1969; 8:50 a.m.]

COTTON

Notice of Acquisition of 1968 Crop Loan

All outstanding loans on cotton under Commodity Credit Corporation's 1968 Cotton Loan Program mature on July 31,

1969, unless Commodity Credit Corporation makes demand for payment at an earlier date. Notice is hereby given that if the borrower or a purchaser of his equity does not redeem the cotton securing any such outstanding loan before the close of business on July 31, 1969, and if Commodity Credit Corporation has not made demand for payment at an earlier date, Commodity Credit Corporation will, pursuant to the provisions of the loan agreement covering such loan, acquire title to such cotton at the close of business on July 31, 1969, and title thereto shall, without a sale thereof, vest in Commodity Credit Corporation at such time: *Provided*, That Commodity Credit Corporation will not acquire title to any cotton for which repayment has been mailed to the ASCS county office by letter postmarked (not patron postage meter date stamped) not later than July 31, 1969. As provided in the loan agreement, Commodity Credit Corporation will not pay for any market value which the cotton may have in excess of the loan value of the cotton plus applicable charges and interest. If the warehouse receipts representing any such cotton are sent to a local bank at the request of the producer or a purchaser of his equity, the loan value of the cotton, plus charges and interest, must be received by the local bank not later than the close of business on July 31, 1969. Any repayments made by mail to ASCS county offices must be postmarked (not patron postage meter date stamped) not later than July 31, 1969.

In the event a producer has made a fraudulent representation in the loan documents or in obtaining the loan, CCC shall credit the market value of the cotton as of the date title vests in CCC, as determined by CCC, against the amount due on the loan and the producer shall be personally liable for any balance due on the loan.

Signed at Washington, D.C., on April 29, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-5339; Filed, May 2, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

JOHNS HOPKINS SCHOOL OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00260-01-07520. Applicant: The Johns Hopkins School of Medicine, 725 North Wolfe Street, Baltimore, Md. 21205. Article: Batch microcalorimeter, Model LKB 10700-2B. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to measure the heats of various protein reactions such as conformational changes and substrate binding. In addition to these protein studies similar studies of nucleic acids and lipid systems are also being considered. The necessity to measure small quantities of heats precisely in the reactions just mentioned using small quantities of material require a microcalorimeter of very high precision. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant's purposes necessitate the capability to measure enthalpy of reactions over a wide range of temperatures, in order to determine changes in the heat capacity for the reaction under investigation. This requires a calorimeter with a controlled temperature between zero and 60° centigrade, with fluctuations in temperature being limited to plus or minus 0.3° centigrade. Production of the only known comparable domestic batch calorimeter has been discontinued. We are advised by the National Bureau of Standards (NBS) (memorandum dated Mar. 24, 1969) that it knows of no batch microcalorimeter being manufactured in the United States, or any other instrument or apparatus that can be used for the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5298; Filed, May 2, 1969; 8:45 a.m.]

STANFORD UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00523-00-40600. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Ion source components. Manufacturer: Auckland Nuclear Accessory Co., Ltd., New Zealand. Intended use of article: The article will be used in connection with research and education of graduate students in nuclear physics experiments. These components, when assembled with others manufactured here, will produce beams of polarized protons and deuterons. For scientific research and education, it is important to have available polarized ions, since they allow new experiments not feasible with the domestically produced unpolarized ions. Application received by Commissioner of Customs: April 9, 1969.

Docket No. 69-00527-33-46040. Applicant: The Jackson Laboratory, Bar Harbor, Maine 04609. Article: Electron microscope, Model HU-11C. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for studies to better acquaint staff members with the field of fine-structure analysis and the use of the instrument. Studies presently planned are as follows:

a. The developmental effects in the mouse of mutant genes causing morphological abnormalities at early embryonic stages.

b. The development of testicular teratomas which occur with predictable frequency in an inbred strain of mice.

c. Studies of 12 distinct genetically caused anemias of mice.

d. The study of fine structure of muscle in preclinical stages of hereditary mouse muscular dystrophy.

e. Studies concerning the differences in the molecular structure of transfer RNA (sRNA) in normal and neoplastic tissue of the mouse and in various other species.

Application received by Commissioner of Customs: April 14, 1969.

Docket No. 69-00528-33-46040. Applicant: University of Colorado Medical Center, 4200 East Ninth Avenue, Denver, Colo. 80220. Article: Electron microscope, Model JEM-100B. Manufacturer: Japan Electron Optics Laboratory Co., Japan.

Intended use of article: The article will be used in research, teaching of graduate students, and in technician training. In research, an enzyme-labeled antibody technique has been developed for ultrastructural localization of macromolecules. This technique requires the ultimate in resolving power in an electron microscope because of the involvement in the ultrastructural localization of single molecules of hormone, for example. The problems of the graduate students will include high resolution electron microscopy, and low magnification, low resolution work with minimal manipulation in the switch-over from one type of microscopy to the other. Application received by Commissioner of Customs: April 14, 1969.

Docket No. 69-00529-33-46040. Applicant: Brandeis University, Laboratory Supplies and Services, South Street, Waltham, Mass. 02154. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics, N.V.D., The Netherlands. Intended use of article: The article will be used by qualified individuals in the Graduate Department of Biochemistry and the Bio-Medical Research Institute in research concerned with the motility apparatuses of cells and organs; muscles, the mitotic apparatus, and flagella. These diverse structures achieve movement by certain common mechanisms. All involve at least two major proteins, which appear to be similar in all three contractile systems. Application received by Commissioner of Customs: April 14, 1969.

Docket No. 69-00530-33-46040. Applicant: University of Washington Medical School, Department of Pathology, Seattle, Wash. 98105. Article: Electron microscope, Model AEI EM801 and accessories. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for research and training by present and future trainees, as well as by the principal instructors who are experienced electron microscopists. A number of projects concerned with research require the highest resolution available in electron microscopes. These include studies of fibrils, collagen, the components of elastic fiber, and bacteriophage. In addition, high resolution microscopy will be used for studying elementary particles of mitochondrial membranes and isolated ribosomes after negative staining procedures. Application received by Commissioner of Customs: April 14, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5299; Filed, May 2, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00531-33-46040. Applicant: University of California, Berkeley, Physiology-Anatomy Department, 2549 Life Sciences Building, Berkeley, Calif. 94720. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used primarily in studies of structure and function of cilia. These studies include the following:

a. High resolution studies of negatively stained cilia, and the 40 A subunits of ciliary microtubules, and the chemical constituents of these organelles.

b. Serial section studies of ciliary tips and shafts in longitudinal and cross-sections at high magnification with specimen tilt to test proposed mechanisms of microtubule interaction and ciliary motility.

c. Studies of hyperfine structure of septate junctions connecting ciliated cells and the importance of cell coupling to the functioning of ciliated epithelia.

d. Electron diffraction studies of pyroantimonate precipitate to localize sodium ion in ciliated cells.

e. Studies of ciliated and flagellated protozoa under experimental conditions that alter the functional state of the cilium, during division and during ciliary growth, including morphological survey and fine structural detail of these protozoa.

Application received by Commissioner of Customs: April 14, 1969.

Docket No. 69-00533-33-46040. Applicant: Cedars-Sinai Medical Center, 4833 Fountain Avenue, Los Angeles, Calif. 90029. Article: Electron miscroscope, Model JEM-7A. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used in connection with the following projects:

a. Survey electron microscopy of the thymus of amphibians, reptiles, birds, and mammals, including normal and diseased tissue will be made.

b. The origin, structure and fate of annulated lamellae within the mucosa of the epididymis will be studied with the electron microscope.

c. The fine structure of "chalk streaks" in breast cancer, the relationship of extracellular fibers to cancer cells and the overall picture of lobular carcinoma will be examined.

d. Studies will be made of red blood cell membranes.

e. Several problems will be examined related to heart diseases. Both experimental and human tissues will be studied.

f. The evolution of cilia and sterocilia and the relationship of stereocilia to secretion, resorption and membrane flow will be investigated.

g. A study of myoid cells of the retina will be made.

Application received by Commissioner of Customs: April 15, 1969.

Docket No. 69-00537-33-46500. Applicant: Temple University Medical Center, 3400 North Broad Street, Philadelphia, Pa. 19140. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examinations. The primary tissue involved will be cells of human malignant melanoma examined directly and at various intervals after tissue culture. Extremely thin sections are required in order to study the melanosome, a cytogenetic structural marker of benign and malignant melanocytes. For purposes of research, it is necessary that long series are cut in serial sections of equal thickness. The thickness required may vary from 50 angstroms to 2 microns. Application received by Commissioner of Customs: April 15, 1969.

Docket No. 69-00538-33-46500. Applicant: University of Rochester, School of Medicine and Dentistry, 260 Crittenden Boulevard, Rochester, N.Y. 14620. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for producing thin plastic-embedded sections for light microscopy and ultrathin sections for electron microscopy of renal biopsies. Since the article will be used for related projects including studies on experimental renal disease, studies on the ultrastructure of smooth muscle and ultrastructural alterations in areas of wound healing; it is necessary that the operator be able to cut long serial sections, to alternate thick sections and ultrathin sections of as little as 50 angstroms in thickness, and to shape and isolate small regions within larger blocks for ultrathin sections while retaining a large surrounding block for survey purposes. Application received by Commissioner of Customs: April 15, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5300; Filed, May 2, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 69-4-134]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Government Orders for Free and Reduced Transportation

Issued under delegated authority on April 29, 1969.

By Order 69-4-59, dated April 11, 1969, the Board deferred action, with a view toward eventual approval, on certain resolutions adopted by Traffic Conference 1 of the International Air Transport Association relating to Government orders for free and reduced rate transportation. 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 69-4-59.

Accordingly, it is ordered, That:

Agreement CAB 20903 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. 69-5344; Filed, May 2, 1969; 8:48 a.m.]

[Docket No. 20781; Order 69-4-138]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Transatlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of April 1969.

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, agreements among various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA), adopted at meetings held in Dallas, Tex., in January 1969.

The agreements embrace fare resolutions to apply via North and Mid Atlantic routes from May 1, 1969, through March 31, 1971.[1] By Order 69-3-1, dated March 3, 1969, the Board established procedural dates for the receipt of documentation, complaints, and answers, relating to these agreements.[2] Thereafter, numerous complaints, objections, and comments were filed opposing approval of the agreement in whole or in part and, in some cases, requesting an evidentiary hearing upon the issues presented. In view of the importance of the issues raised by these filings, the Board held oral argument on April 16, 1969.[3]

The most significant changes proposed for the transatlantic fare structure are the elimination of the round-trip discount, the extension of the availability of the 14-21-day excursion and individual inclusive tour (IT) fares, and the establishment of Contract Bulk Inclusive Tour Fares which would become effective November 1, 1969. These provisions, as well as other modifications, are described more specifically below.

Normal fares. The agreement proposes generally to maintain current one-way fares, but round-trip fares would be increased by elimination of the 5-percent round-trip discount. This elimination, for example, would raise the New York-London basic round-trip economy fare from $399 to $420 and the peak-fare from $484.50 to $510.

Special fares—14-21-day excursion and individual inclusive tour (IT) fares. These fares would be retained generally at the status quo. A significant innovation, however, provides for the extension of these fares to year-round application with added charges for travel during heretofore precluded peak summer weeks and on weekends. The proposed added charges are $50 for travel during the summer weeks and $30, each direction, during weekends.

Group inclusive tour (GIT) fares. These fares for 15 or more passengers are to be retained but are amended for effect from April 1, 1970, to reflect modest increases, based on an $8 increase New York-London. The minimum tour price, now set at $70, would simultaneously be increased by $7 for each day in excess of the minimum 14 days, and tour provisions would also be tightened. For example, stopovers, heretofore unlimited, are to be restricted to five, including the turnaround point.

Affinity group fares. Effective November 1, 1969, lower fares would be made available for larger-sized affinity groups. Currently, fares are offered to affinity groups of 50 or more at a level of $245 (New York-London) during a 7-month period of April through October. This period would be restructured into peak and shoulder seasons. During a 10-week peak season eastbound and 3 months westbound fares for groups of 50 or more would be increased $5 (New York-London). However, the minimum-size requirement would be lowered to 40 passengers in the shoulder period, which encompasses the remaining portion of the present 7-month summer season, and significant reductions from the existing affinity fare would be introduced; e.g., between New York and London the fares would be lowered from $245 to $212. New fares for groups of 40 or more passengers would also be offered in the 5-month winter season at a level of $200. Stopovers would no longer be permitted at these group fares.

Incentive group fares. The same fare levels agreed upon for affinity groups of 40 or more in the shoulder and off-season periods (i.e., the New York-London $212 and $200 fares) are proposed to be made available to profit making organizations under the terms of a new promotional fare resolution for "incentive group" travel during the year, except during peak travel months. To be eligible for this fare, the incentive group must consist of 40 or more passengers in the case of eastbound originations (20 or more in the case of westbound originations) who are employees, dealers, and/or agents of the same business corporation or firm, and who are traveling under an established incentive travel program. The cost must be borne entirely by the sponsoring business and must include, in addition to air transportation, tour features such as accommodations, sightseeing, and entertainment during a 6-14-day validity period.

Contract bulk inclusive tour fares. A new resolution, intended for effectiveness November 1, 1969, contemplates the sale of blocks of seats (at least 40 eastbound and 20 westbound) to tour operators, or other contractors, at a bulk fare price for use in connection with 14-21-day tours. In general, the level of fares between U.S. points and closer European points such as London, Amsterdam, Paris, and Madrid would be established with peak, shoulder, and off-season period differentials. For example, base round-trip fares for travel between New York and London would be established at $220 in the peak season, at $190 in the shoulder season, and at $175 in the off-season. Three stopovers would be permitted. Beyond those European points named above, higher stopover charges in shoulder and off-season periods would eliminate the shoulder and off-season fare differential for stopover passengers. Other principal provisions are (1) a minimum-tour price per person for ground accommodations, etc., of $100 for the 14-day minimum-stay period plus $7 per day thereafter, (2) advance 10-percent nonrefundable deposits 3 months

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[1] The agreements also include related fare resolutions applicable to travel via the North Atlantic to/from the Orient.

[2] Documentation and economic data to be received Mar. 13, 1969, complaints and objections by Mar. 27, 1969, and answers to complaints by Apr. 7, 1969. The dates were thereafter extended to April 4 for filing complaints and to Apr. 11, 1969, for filing answers.

[3] Order 69-4-30, dated Apr. 4, 1969. Appearances were made by:

Robert M. Lichtman and Clayton L. Burwell for National Air Carrier Association (NACA).

Paul A. Quinn for American Society of Travel Agents, Inc. (ASTA), and Association of Bank Travel Bureaus (ABTB).

J. W. Rosenthal and Neil Shilling for Hertz International Ltd.

Anthony F. LeFrisco for Panmarc, Inc., Peerless Travel Agency, Inc., Downtown Travel Center, Inc., and Astral Travel Agency, Inc.

Herbert Smolen and W. F. Hamill, Jr., for the City of Philadelphia and the Greater Philadelphia Chamber of Commerce.

Robert N. Duggan for Pan American World Airways, Inc.

Ulrich V. Hoffman and Melvin L. Milligan for Trans World Airlines.

before departure, and (3) full payment 1 month before departure. Sales by carriers to contractors are to be noncommissionable.

Other fare provisions. The westbound family fare program would be continued. Provisions for the new B–747 aircraft have been added which stipulate a six-abreast, 42-inch seat pitch configuration in first-class service and nine-abreast, 34-inch seat pitch configuration in economy service. Additionally, stateroom accommodations for up to eight persons in a master stateroom and up to four persons in a compartment would be made available in first-class service. The charges for these accommodations would be as follows:

Type of stateroom	Occupancy	Number of first-class fares charged
Master	6 or less	8
	7	9
	8	10
Compartment	3 or less	4
	4	5

No charge would be added for the conversion of these facilities into sleeping accommodations.

Upon consideration of the record herein and all relevant matters the Board has concluded to approve the agreements, subject to the provisions and conditions set forth below, and to institute an investigation, to be conducted upon an expedited basis, of the contract bulk inclusive tour fares and the elimination of the round-trip discounts.

The Board's approval of these matters herein being set for investigation will be limited to the period through March 31, 1970. The balance of the agreements will be approved through the intended period of their effectiveness, March 31, 1971, except that action will be deferred on the increases in the group inclusive tour fares, proposed for April 1, 1970, effectiveness.

NACA, ASTA, ABTB, the National Industrial Traffic League (NIT League), and others oppose the elimination of the round-trip discount. It is alleged, inter alia, that the increase is unjustified and seems to subsidize low group fares directed at the supplemental carriers, at the expense of the business traveler. NACA further asserts that the fare increase stemming from elimination of the round-trip discount is not offset by the extension of the 14–21-day individual excursion fares and the individual IT fares, within the meaning of a prior Board statement that any change in the round-trip discount should be accompanied by offsetting fare adjustments (not including the bulk fare plan). These contentions, together with data included in the most recent IATA cost committee report, and the 1968 rate of return experienced by TWA for transatlantic operations (14.5 percent excluding investment tax credits) point to the need of an expedited investigation as to the elimination of the round-trip discount, and the limitation of our approval of this element of the subject agreements to March 31, 1970.

On the other hand, the Board notes that elimination of the blackout heretofore applicable to weekends and summer peak periods in connection with the 14–21-day excursion fares and the individual inclusive tour fares will bring the advantage of these promotional fares, which will be at much lower levels than would otherwise be applicable for travel during these periods at the normal economy fares, to a significant number of additional passengers. Estimates by TWA, based on the fare differential between the normal and the promotional fares and the number of passengers it expects will utilize these lower fares during the periods they were previously unavailable, indicate potential fare savings of a magnitude comparable to the fare increase which will be effected by discontinuance of the round-trip discount. Estimates submitted by Pan American tend to corroborate this offset. Moreover the Board notes that the rate of return for Pan American has trended downward since 1966, reaching 5 percent in 1968 (excluding investment tax credits), and that the cost data contained in the most recent IATA Cost Committee Report (May 1968) may not realistically reflect present circumstances in view of the general inflationary trend in the economy and the somewhat lower load factors achieved by the carriers last year. In these circumstances, the Board is not prepared to disapprove the elimination of the round-trip discount pendente lite.

The contract bulk fares envisage an entirely new concept of marketing. The fares proposed are lower than any fares ever offered in scheduled service on the Atlantic. Lower tour prices made possible by the lower air fares, should serve to enable many persons to travel by air who would not otherwise be able to use air transportation, and we believe that approval is warranted in the public interest during the limited period through March 31, 1970. This limited approval will permit some experience to be gained with respect to both the generative aspects of the fares and their impact upon the supplemental carriers.

The Board, however, notes the contention of the supplemental carriers that these fares are uneconomic, and have been designed to capture supplemental carrier charter traffic. These allegations can best be fully explored through a formal hearing. The Board believes that sufficient question has been raised to require that they be included in the investigation. The investigation of the contract bulk inclusive tour fares will include within its scope the issue of unjust discrimination and undue preference and prejudice stemming from the relationship of the proportional fares (add-on to the New York fares) applicable to specified California points as compared with the add-ons to other U.S. points.

NACA takes the position that the bulk fare resolution would make the tour operator an unauthorized indirect air carrier, that the operations would thus be in violation of section 401, and, accordingly, that the resolution is adverse to the public interest. It points out that, in exempting tour operators in connection with inclusive tour charters under Part 378 of its regulations, the Board acted on the basis of a record and adopted detailed provisions designed to protect the public, and that the absence of restrictions upon bulk fare tour operators would put the supplemental carriers at a competitive disadvantage. NACA also argues that there has been no appropriate request for authority, no demonstrated public need for indirect air carrier authorization, and no record upon which to base the grant of an exemption or formulate appropriate regulations.

TWA denies that the tour operator would be an indirect air carrier, stating that the operator will represent the air carrier and that, although the operator may undertake some responsibilities with respect to the sale of bulk fare transportation which he does not undertake with respect to the sale of transportation under other fares, he will not be engaged in such a holding out to the public as to qualify his activity as an indirect air carrier independent from the carrier principal. However, TWA states that it assumes that, in any event, the Board will give "appropriate approval" to the program when it finds it to be in the public interest. Pan American also assumes that the Board will provide such authority and conditions with respect to the tour operator as it deems necessary to implement the proposal and protect the public.

We agree with NACA that activities pursuant to the resolution would place the tour operator in the position of an indirect air carrier not presently authorized by the Board. As previously set forth, under the resolution the function of the tour operator or "contractor" is to produce and promote inclusive tours. He contracts with the direct carrier, is charged for all seats contracted for, whether they are used or not, and he receives no commissions from the direct carrier. His profit will consist of the difference between the tour price he establishes and his costs for air fare, ground arrangements, etc. With respect to the air transport component of the tour operator's costs, he must charge a sufficient price per seat to cover not only the seat price paid the direct carrier, but also the number of seats which he anticipates he may be unable to sell, and his selling and other costs. It is thus apparent that the tour operator must necessarily include in the tour price a component for the air transportation portion which is in excess of the air carrier's bulk fare tariff. Profits will accrue to the tour operator if he sells sufficient seats to exceed his breakeven load factor for the block of seats, and he runs the risk of loss if he cannot meet his breakeven load factor. In these circumstances, the tour operator is clearly acting, not as an agent on behalf of the direct carrier, but as a principal for his own account buying air transportation in bulk at wholesale prices and providing for its sale as part of a tour at retail prices. While there may be some differences in the mechanics of the operation,

the operator is akin to a consolidator and forwarder of passengers. We conclude that, as such, he would be engaging indirectly in air transportation within the meaning of section 101 of the Act.

It is also true that there is presently no authority for tour operators providing bulk inclusive tours. However, for the same reasons as underlie our interim approval of the bulk fare agreement itself, we find that it is in the public interest to provide such authority to the tour operators as will be necessary to implement that agreement. To this end we will institute a rule-making proceeding in the near future with a view toward exempting bulk fare inclusive tour operators subject to appropriate conditions for the protection of the public.

Proposed conditions on approval. As previously indicated, the resolution provides that sales by the IATA members of bulk tickets to tour operators shall not be subject to commissions. Four travel agencies urge that we condition our approval so as to require that sales of the bulk fares to the tour operators themselves be commissionable.[4] In our view, such a condition would not be consistent with the status of the tour operator as an indirect carrier. We have repeatedly held that air freight forwarders are not entitled to commissions from the carrier on consolidated shipments.[5] In such circumstances, the forwarder receives its profits from the difference between the charge paid to the direct carrier, based on the latter's tariff rate, and the higher unit rate which he assesses individual shippers. Similarly, in the case of inclusive tour charters under Part 378, the carrier is required to collect the full tariff price from the tour operator who, in turn, is free to charge a sufficient price to individual tour participants to cover his total cost. In light of the foregoing, we see no occasion to require the payment of commissions in the case of bulk fares.

The resolution also provides that no refunds may be granted by the direct carrier to the tour operator, and any refund to the carrier shall be the sole responsibility of the contractor. ASTA takes the position that these provisions are unduly punitive, and that they should be changed to provide for refunds to the tour operator in the event that persons purchasing the space from the contractor are unable to travel because of death or serious illness of the passenger or members of his family. Again, we conclude that such a provision would be inconsistent not only with the status of the tour operator as an indirect carrier, but also with the basic concept of the bulk fares. As stated, these fares are established at a low level in recognition of the fact that the tour operator assumes the risk of filling the seats that he purchases. The tour operator is expected to charge a sufficient price to each passenger to compensate him for the risk of empty seats. Under these circumstances, we conclude that the matter of refunds should be the responsibility of the tour operator and not the direct air carrier.

Neither will we limit the sale of bulk fares by the direct carriers to sales to IATA-approved agents, as suggested by ASTA, CTOA, and other parties. These parties contend that the restriction is needed to protect the public against unqualified tour operators. However, the carriers themselves have not seen fit so to restrict these fares, and it appears that there are a number of reputable tour operators who are not IATA sales agents. We are not persuaded that the public interest requires that tour operators be restricted to IATA-approved agents. We will reserve to the rule making proceeding the question of appropriate conditions to protect the public in these respects.

It is also urged that we require that the advertising of tour prices involving bulk fares be limited to the total tour price without a breakdown into the air transportation and other components. However, under the provisions of section 411 of the Act, tour operators will be required to refrain from deceptive advertising, and we are not prepared at this time to impose any more detailed restrictions on their advertising practices. Conditions have also been proposed with respect to car rentals. Under the bulk inclusive tour resolution, the minimum selling price of the tour for sleeping accommodations, sightseeing, and entertainment features must be at least $100 over the unit contract bulk price for the air transportation, plus $7 a day for each day in excess of the minimum stay period. It thus appears that car rentals may not be included in the computation of the minimum selling price of the tour, unless they fall within the sightseeing category. Hertz International, Ltd., requests that we condition our approval of the fare agreements on inclusion of car rentals as a minimum tour feature, or, in the alternative, that we specify that rental cars may be used within the sightseeing category if governed by an appropriate itinerary. In view of the desirability of providing low minimum prices for inclusive tour transportation and the need for distinguishing inclusive tours from regular point-to-point travel, the Board does not believe it is in the public interest to require that the cost of car rentals per se be included in the minimum tour prices. Moreover, it is noted that car rentals are treated no differently in this respect from other forms of ground transportation which are not included in the minimum tour package.

On the other hand, sightseeing features are includable in the minimum tour price, and both Pan American and TWA concede that, under certain circumstances, car rentals may fall within the sightseeing category. Hertz, however, would have us require that car rentals be accepted for that purpose if governed by an appropriate itinerary. In our judgment, such a provision must be rejected because it would not be sufficiently clear and definite to prevent the use of rental cars for purposes of mere point-to-point transportation.[6]

The new incentive group fares are troublesome because of their discriminatory aspects. As noted, under the terms of the resolution, these fares are restricted to profit making organizations only for incentive group travel. The Board would have no difficulty if the resolution is broadened to correspond with group travel fare provisions applicable via the North/Central Pacific which provides that the travel group may be formed for "own use of one person", including an individual person or a legal entity. Our approval is conditioned accordingly.

The City of Philadelphia and The Greater Philadelphia Chamber of Commerce pleaded that the add-ons used in establishing fares to/from Philadelphia result in unduly high fares and that they discriminate against Philadelphia in favor of New York. Philadelphia is an international gateway point and has a significant volume of nonstop service to/from European points. Moreover, because of its proximity, it is in direct competition with New York for international travel. No sound reason has been advanced why the Philadelphia fares should be disparate with New York fares from the standpoint of mileage. Accordingly, the Board can not find in the public interest an agreement which would preclude a carrier from establishing fares to/from the Philadelphia gateway which are reasonably related, on a mileage basis, to New York. These considerations are equally applicable with respect to Washington and Baltimore fares. We are, therefore, conditioning our approval so as to require that fares between these points and European points or beyond shall be, on a per mile basis, no greater than the fare to New York City for respective fare categories.[7]

There is also pending before the Board a petition by NACA for review of the Chief Examiner's ruling granting the motions of TWA and Pan American to quash or modify subpoenas directing those carriers to produce certain documents. In view of our institution of an investigation of the provisions of the agreement eliminating round-trip discounts and establishing contract bulk inclusive tour rules, the problem of the

[4] ASTA, representing the bulk of the travel agents, does not take this position.

[5] See, Investigation of Seaboard & Western Airlines, Inc., 11 CAB 372, 385 (1950); International Air Freight Forwarder Investigation, 27 CAB 658, 665 (1958).

[6] It may be noted, however, that the carriers agree that rental cars may be used to provide point-to-point transportation under the "travel together" provisions of the agreement.

[7] Subsequent to the public announcement of the Board's actions herein, Pan American has requested the Board to defer the effectiveness of this condition until July 1, 1969, in order to provide time for the carriers to make the necessary restructuring of their fares and amendments to their tariffs. In view of the technical problems involved, the Board will defer the application of this condition until June 1, 1969, with respect to normal fares, and until July 1, 1969, as to all other fares. As a matter of clarification, the Board will accept, as a basis for computing the fares per mile, the use of the latest IATA Mileage Manual which lists the shortest operated distances between points.

proper extent of discovery available at the more preliminary stages of this case has become moot. Accordingly, we shall dismiss NACA's petition without prejudice to any prehearing conference information requests NACA may deem necessary under this order of investigation.

Finally, there is another motion pending by NACA to include as part of the record certain documents submitted by Pan American in response to a subpoena. No objection to the motion having been received, it shall be granted.

The Board has considered all of the allegations raised by the parties, including those not specifically adverted to herein, as well as all matters bearing upon the agreements, and concludes that they are consistent with the public interest and should be approved.

In consideration of the foregoing, the Board makes the following findings:

1. The Board does not find the following resolutions, incorporated in Agreement CAB 20848, adverse to the public interest or in violation of the Act: *Provided*, That insofar as air transportation is concerned approval shall be subject to the conditions as hereinafter ordered:

Agreement CAB 20848	IATA No.	Title
R-1	001b	North Atlantic—Special Effectiveness Resolution (Tie-in) (New).
R-2	001b	Mid-Atlantic—Special Effectiveness Resolution (Tie-in) (New).
R-3	001e	Mid-Atlantic Escape for Normal and Special Fares (New).
R-4	001h	2-Year Effectiveness Escape—Passenger (New).
R-5	001s	North Atlantic Prorate Escape (New).
R-6	001t	North Atlantic Escape for Boeing 747 (New).
R-7	001u	JT123 Transatlantic Escape for Normal and Special Fares (New).
R-8	002	Standard Revalidation—North and Mid-Atlantic.
R-10	014a	Construction Rule for Passenger Fares (Revalidating and Amending).
R-11	015	North Atlantic Proportional Fares—North American (Revalidating and Amending).
R-12	023a	Rounding-Off Passenger Fares (Amending).
R-14	050	First Class Conditions of Service (Revalidating and Amending).
R-15	054a	North Atlantic First Class Fares.
R-16	054b	Mid-Atlantic First Class Fares.
R-17	054x	Iceland—Greenland First Class Fares (Revalidating and Amending).
R-18	057a	North Atlantic First Class Fares JT123.
R-19	060	Economy Class Conditions of Service (Revalidating and Amending).
R-20	064a	North Atlantic Economy Class Fares.
R-21	064b	Mid-Atlantic Economy Class Fares.
R-22	064x	Iceland—Greenland Economy Class Fares (Revalidating and Amending).
R-23	067a	Economy Class Fares—TC1-TC3 via the Atlantic.
R-24	070d(080d)	North Atlantic 21-Day Excursion Fares.
R-25	070e(080e)	North America—India/Pakistan/Afghanistan/Ceylon/Nepal 28-Day Excursion Fares.
R-26	070f(080f)	Mid-Atlantic 21-Day Excursion Fares.
R-27	070t(080t)	North Atlantic Excursion Fares to Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Nicosia, Teheran ($535).
R-28	070v(080v)	Mid-Atlantic Excursion Fares—Havana.
R-29	070x(080x)	North Atlantic Excursion Fares to Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Nicosia, Teheran ($565).
R-30	070z(080z)	Iceland—Greenland Excursion Fares.
R-31	075h(088d)	North Atlantic Winter Group Fares to Israel.
R-32	075hh(088dd)	North Atlantic Winter Group Fares to Middle East.
R-33	075i(088)	North Atlantic Group Fares to Israel.
R-34	076e(088n) I	North Atlantic Affinity Group Fares.
R-35	076e(088n) II	North Atlantic Affinity Group Fares (effective Nov. 1, 1969).
R-36	076f(088p)	Mid-Atlantic Affinity Group Fares U.K.-Caribbean.
R-37	076i(088t)	Affinity Group Fares JT123.
R-38	076m(088l)	North Atlantic Bulk Affinity and Incentive Group Prices—Spain/Portugal.
R-39	076n	Mid-Atlantic Affinity Group Bulk Travel Fares (New).
R-40	076o	Mid-Atlantic Affinity Group Fares—Guyana/Surinam/Trinidad-India/Pakistan/Afghanistan/Ceylon/Nepal (New).
R-41	076p	North Atlantic Incentive Groups (New) (effective Nov. 1, 1969).
R-42	079a	North Atlantic Contract Bulk Inclusive Tours Rules (New) (Attachments "A" and "B" effective Nov. 1, 1969).
R-43	080k	TC2 to Havana Individual Inclusive Tour Fares (New).
R-44	083(084w)	Mid-Atlantic Individual Inclusive Tour Fares—U.K./Germany-Caribbean.
R-45	083a(084y)	North Atlantic Individual Inclusive Tour Fares.
R-46	083b(084y)	North Atlantic Individual Inclusive Tour Fares.
R-47	084a(087) I	North Atlantic Group Inclusive Tour Fares.
R-49	084c(084L)	North Atlantic Winter Group Inclusive Tour Fares to Israel.
R-50	084cc(084LL)	North Atlantic Winter Group Inclusive Tour Fares to Middle East.
R-51	084f	Mid-Atlantic Group Inclusive Tour Fares—(NEW).
R-52	091c	North Atlantic Family Fares.
R-53	094(096)	North Atlantic Emigrant Fares to Canada.
R-54	094a(096a)	Mid-Atlantic Emigrant Fares—Caribbean-U.K.
R-55	095	North Atlantic 45-day Excursion Fares for U.S. Military Personnel—Revalidating and Amending.
R-56	095a(095)	North Atlantic 45-day Excursion Fares for U.S. Military Personnel—Revalidating and Amending.
R-57	095b(095a)	North Atlantic 45-day Excursion Fares for Canadian Armed Forces.
R-58	095c(089)	North Atlantic Group Fares for U.S. Military Personnel—Revalidating and Amending.
R-59	095d(089b)	North Atlantic Group Fares for Canadian Armed Forces.
R-60	095e(089a)	North Atlantic Group Fares for Dependents of U.S. Military Personnel.
R-61	105a	Fares for Round Trip (New).
R-62	151a	Fares for Circle Trips (Revalidating and Amending).
R-63	200	Free and Reduced Fare or Rate Transportation (Revalidating and Amending).
R-64	200g	Government Orders for Free and Reduced Rate Transportation (Revalidating and Amending).
R-65	250	Sleeper Surcharge (New).
R-66	310	Free Baggage Allowance (Revalidating and Amending).
R-67	311	Baggage Excess Weight Charges (Revalidating).
R-68	079c	Mid-Atlantic Contract Bulk Prices—San Juan-Lisbon/Madrid (New) (Attachment "A" effective Nov. 1, 1969).

2. The Board finds that action on Agreement CAB 20848, R-48 ("North Atlantic Group Inclusive Tour Fares," Effective Apr. 1, 1970) should be deferred.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 204, 404(b), 412, 414, and 1002(f) thereof:

It is ordered, That:

1. Agreement CAB 20848 described in finding paragraph 1 is approved, provided that, insofar as the resolutions apply in air transportation as defined by the Act, this approval shall be subject to the following conditions:

(a) With respect to R-38 ("North Atlantic Bulk Affinity and Incentive Group Prices—Spain/Portugal"), insofar as it relates to incentive groups, and R-41 ("North Atlantic Incentive Groups"), the travel group shall be formed only for own use of one person (which expression shall include an individual person or a legal entity such as an association, partnership, company, or corporation); provided that the Purchaser shall not, wholly or partially, directly or indirectly share the cost of the air transportation with other persons interested in obtaining such transportation including the passengers carried.

(b) Approval of R-11 ("North Atlantic Proportional Fares—North American") shall require that fares between Philadelphia/Baltimore/Washington and European points or beyond be, on a per mile basis, no greater than corresponding fares per mile to/from New York for all respective fare categories.[*]

(c) Approval of Agreement CAB 20848, R-42 ("North Atlantic Contract Bulk Inclusive Tour Rules") and R-68 ("Mid-Atlantic Contract Bulk Prices—San Juan—Lisbon/Madrid") shall be limited to March 31, 1970; any fare changes established pursuant to the escape provisions of these resolutions shall be filed with and approved by the Board prior to being placed into effect.

(d) Approval of Agreement CAB 20848, R-61 ("Fares for Round Trip") shall be limited to March 31, 1970.

2. Action on Agreement CAB 20848, R-48 ("North Atlantic Group Inclusive Tour Fares," Version II, effective Apr. 1, 1970) is deferred.

3. The motion of the member carriers of the National Air Carrier Association to include as a part of the record herein specified documents submitted by Pan American is granted.

4. The petition of the member carriers of the National Air Carrier Association for review of ruling granting motions to quash is denied, without prejudice.

5. To the extent not granted, all other motions, petitions, complaints, objections, and requests filed herein are denied.

6. An investigation is hereby instituted to determine whether the following described agreements are adverse to the public interest or in violation of the

[*] Application of this condition is deferred until June 1, 1969, with respect to normal fares and until July 1, 1969, with respect to all other fares.

Federal Aviation Act of 1958, and whether the fares, rules, conditions, and provisions which are, or will be established pursuant to such agreements are or will be unjustly discriminatory or unduly preferential, or unduly prejudicial, and if such fares, rules, conditions, or provisions are found to be unjustly discriminatory, unduly preferential, or unduly prejudicial, to determine how such fares, rules, conditions, or provisions should be altered, or what order should be made to remove such discrimination, preference, or prejudice:

Agreement CAB 20848:
R–61 ("Fares for Round Trip").
R–42 ("North Atlantic Contract Bulk Inclusive Tours Rules").
R–68 ("Mid-Atlantic Contract Bulk Prices-San Juan-Lisbon/Madrid").
R–10 ("Construction Rules for Passenger Fares") insofar as it applies to the construction of Contract Bulk Fares.

7. Copies of this order shall be served upon the following which are hereby made parties to this proceeding:

Pan American World Airways, Inc.
Trans World Airlines, Inc.
American Flyers Airline Corp.
Modern Air Transport, Inc.
Overseas National Airways, Inc.
Saturn Airways, Inc.
Southern Air Transport, Inc.
Standard Airways, Inc.
Trans International Airlines, Inc.
Universal Airlines, Inc.
World Airways, Inc.
American Society of Travel Agents.
Association of Bank Travel Bureaus, Inc.
Creative Tour Operators Association.
Hertz International, Ltd.
Budget Rent-a-Car International, Inc.
Panmarc, Inc.
Peerless Travel Bureau, Inc.
Downtown Travel Center, Inc.
Astral Travel Agency, Inc.
AAA World-wide Travel, Inc.
City of Philadelphia.
Greater Philadelphia Chamber of Commerce.
Metropolitan Washington Board of Trade.
National Industrial Traffic League.
Philadelphia Convention and Tourist Bureau.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.*

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

[F.R. Doc. 69–5345; Filed, May 2, 1969; 8:48 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignments in the excepted service the positions of Deputy Assistant Secretary for Business Development Programs, and Deputy Assistant Secretary for International Trade and Financial Policy in the Office of the Assistant Secretary for Domestic and International Business.

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

[F.R. Doc. 69–5358; Filed, May 2, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Executive Secretary, Office of the Secretary.

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

[F.R. Doc. 69–5359; Filed, May 2, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18408, 18409; FCC 69R–189]

LESTER H. ALLEN AND SALT-TEE RADIO, INC.

Memorandum Opinion and Orders Enlarging Issues

In regard applications of Lester H. Allen, Ocean City, N.J., Docket No. 18408, File No. BPH–6374; Salt-Tee Radio, Inc., Ocean City, N.J., Docket No. 18409, File No. BPH–6457; for construction permits.

1. This proceeding involves the mutually exclusive applications of Lester H. Allen (Allen) and Salt-Tee Radio, Inc. (Salt-Tee), for authorization to construct a new FM broadcast station at Ocean City, N.J. It was designated for hearing by Order, FCC 68–1219, 15 FCC 2d 767, released January 6, 1969, on a standard comparative issue. Presently before the Review Board is a petition to enlarge issues, filed January 27, 1969, by Salt-Tee, requesting the addition of financial, staffing, Suburban, § 1.65 and comparative programing issues to this proceeding in regard to the Allen application.[1]

FINANCIAL ISSUES

2. The petitioner requests that the following financial issues be added against Allen:

(a) The ability of Lester H. Allen to meet his financial commitment to contribute sufficient capital which would enable him to construct and operate his proposed station;

(b) The basis for the applicant's estimates of construction and operating costs for the first year;

(c) The basis for Lester H. Allen's estimates of revenues in his first year of operation, whether such estimate is reasonable, the extent to which net operating revenues may be relied upon to yield necessary funds for the initial construction and 1 year's operating cost;

(d) Whether in light of the evidence adduced pursuant to items (a), (b), and (c) Lester H. Allen is financially qualified.

Initially, Salt-Tee questions Allen's estimate of $60,305 for construction costs and notes that this figure is alleged by the applicant to be based on quotations from equipment manufacturers and the applicant's own experience. However, Salt-Tee asserts that no letter of credit or quotation from an equipment manufacturer has been provided by Allen and that the nature of the experience referred to in Allen's application cannot be determined. Petitioner also questions whether Allen's securities, which the applicant relies on to meet anticipated costs of construction and initial operation, are adequate to make the required financial showing. It notes that Allen shows "marketable securities" worth $102,939 and "investment securities" of $100,000 on his June 1968 balance sheet; however, petitioner points to the fact that no list of securities is attached; that there is no indication of whether the securities are listed or unlisted; and no explanation is given of the difference between "marketable" and "investment" securities. Finally, Salt-Tee contends that the Commission should not accept, at face value, the representation in Allen's balance sheet that he has no liabilities.

3. The Broadcast Bureau, in its comments, opposes the addition of the requested financial issues and points out that, on October 7, 1968, Allen filed an amendment to his application to show on what stock exchange the marketable securities he owns are traded. The Bureau contends that an attempt to ascertain the meaning of "investment securities" would be superfluous since Allen has shown that he has sufficient liquid assets to meet his financial commitment of $90,305 for construction and initial operating costs. On the subject of Allen's construction estimates, the Bureau argues that petitioner's allegation that such estimates are not realistic has not been supported by appropriate affidavits or other specific factual allegations. As to the question of Allen's estimate of first year revenues, the Bureau points out that Allen is not relying on such revenues and

* Vice Chairman Murphy and Member Minetti filed a joint concurring and dissenting statement which is filed as part of the original document.

[1] Also before the Review Board are: (a) Comments, filed Feb. 25, 1969, by the Broadcast Bureau; (b) opposition, filed Feb. 25, 1969, by Allen; and (c) reply, filed Mar. 7, 1969, by Salt-Tee.

that, therefore, it would be meaningless to inquire into the extent to which they can be relied upon for the funds needed for construction and operation. Finally, the Bureau agrees with the petitioner that the absence of liabilities on Allen's balance sheet is unusual, but states that the mere fact that it is unusual does not support a request for enlargement of the issues. Allen, in his opposition to the instant request, asserts that the "experience" relied upon for the construction estimates in his application is his experience as 100 percent owner and sole proprietor of Allen and Hurley, a wholesale electronics equipment firm in Trenton, N.J., his involvement in amateur radio, and his work as a volunteer on Stations WBUD–AM and WBJH–FM in Trenton, N.J. He further contends that Salt-Tee has produced no evidence that his balance sheet does anything but accurately reflect his true financial position and that he has sufficient assets ($16,616 in cash and $137,355 in marketable securities), as of February 7, 1969, to finance both the Ocean City proposal and his proposal for Leisure City, Fla., which requires his additional commitment of $37,000 in available funds.[2]

4. The Review Board is of the opinion that no basis exists for the inclusion of financial issues against Allen. Through his opposition and related attachments, Allen adequately demonstrates that he has cash on hand of $16,614 and marketable securities of $137,355, which liquid assets are more than enough to construct and operate his proposed facility in Ocean City and to meet his commitment to the Leisure City proposal. Under these circumstances there is no need to inquire into either the meaning of "investment securities" or the correctness of Allen's estimate of first-year revenues. As for the applicant's construction cost estimates, they are adequately supported by Allen's considerable experience in the electronic equipment filed[3] and we note that petitioner's allegation of lack of realism is unsupported. In regard to the question of the absence of liabilities on Allen's balance sheet, Salt-Tee has come forward with nothing more than mere suspicion and a statement that such an absence is unusual. We agree with the Broadcast Bureau that such a showing is not sufficient. Therefore, for the reasons stated above, the requested financial issues will not be added.

STAFFING ISSUE

5. Petitioner requests an issue to determine whether Allen's staffing arrangements are adequate to effectuate his proposal. In support of its request, Salt-Tee points to the fact that Allen proposes to be on the air a total of 126 hours per week (including some live, remote programing) with a staff of only three full-time employees. Salt-Tee notes that Allen intends to employ his son on a full-time basis to handle the details of the operation of the station and that, in Allen's application for Leisure City, Fla., he indicates that his son will run that facility as well, commuting by private plane between the two stations. Petitioner contends that Allen's staffing proposal would permit his proposed station to do little more than play records all day. The Broadcast Bureau, in its comments, supports the addition of a staffing issue and contends that if Allen's son is to be one of the three proposed employees, and if each employee were to work 40 hours per week, there would still be 6 unmanned hours per week. The Bureau further states that it is questionable, in any case, whether the applicant's son can put 40 hours per week into the Ocean City station considering his Leisure City duties. Finally, it argues that even if Allen means to employ three persons in addition to his son, a serious question still arises as to the adequacy of the staffing proposal, taking into account the planned live programing, illnesses, vacations, clerical, and bookkeeping chores, etc.

6. In an affidavit attached to his opposition, Allen reveals that his staff will consist of two salesmen and a manager who will maintain the station's equipment and visit the transmitter, monitor the business telephones, represent the station in the Ocean City community, tape commercials, announcements, and news for insertion into the automated programing system and review and control the use of music library tapes. He also contemplates the use of community volunteers to aid in the production and taping of programs and the establishment of the station's audio automation and remote control facilities in the residence of a local third class radio telephone operator who, it is planned, will monitor the automatic logging equipment. Allen states that, although he is not included in the staffing proposal, he will make the proposed station's long-term policy and business decisions and a good deal of its day-to-day management decisions, thus freeing the staff for other tasks. In its reply, petitioner contends that Allen's proposal for a monitor is inconsistent with his application and, therefore, should not be considered by the Review Board in passing on the request for a staffing issue; that the applicant has not submitted any specific proof to show that community volunteers will be available to effect his plan; that it is clear that volunteers are to be relied upon for all live programing; and that it is unclear how Allen can effectuate his programing proposal, including live programs, and still have an engineer on duty at all times.

7. The Review Board believes that a serious question has been raised as to the adequacy of Allen's proposed staff, in spite of the fact that the station would be a fully automated facility, would broadcast only local news gathered by telephone and mail and would have a schedule largely devoted to recorded music interspersed with various spot announcements. Allen proposes to broadcast 126 hours per week with a staff of three, including a manager who will have a very heavy schedule of duties and two salesmen. On its face, this proposal appears unrealistic if the applicant is to carry out his programing plan, which includes live remote broadcasts of such events as city council sessions and band concerts and which must provide for one staff member on duty at all times, illnesses, vacations and all the usual tasks of bookkeeping, script preparation, etc. In his opposition to the Salt-Tee request, Allen states that he will look to community volunteers for supplementary help in program production. However, he provides no assurance that such volunteers can be counted upon other than his bare statement that various people of high competence have indicated a willingness to participate. In his application, Allen states that he plans to employ his son on a full-time basis to "handle the details of the operation of the station." It is unclear whether the son will serve as the station manager or in addition to the three proposed staff members. If the former, the fact that Allen's son is also to be a "full-time" employee at Leisure City makes Allen's plan even more inadequate, since, under those circumstances, one of the "full-time" staff members would be able to devote a good deal less than full-time to his duties. If the latter, the addition of the son's less-than-total services is not enough to remove the doubt raised by the petitioner. As for Allen's plan to establish his audio automation and remote control facilities in the residence of a local radio telephone operator who will monitor the automatic logging equipment, we agree with petitioner that this proposal is inconsistent with the application on file since that application does not mention a remote control point and, therefore, we will not consider such proposal in resolving the instant request for a staffing issue. Although Allen amplifies his staffing proposal in his opposition pleading, he fails to demonstrate through the use of work schedules or other means how it would be possible to operate the station with such a limited staff even with modern equipment and the possible participation of nonstation personnel. See Community Broadcasting Co. of Hartsville, 16 FCC 2d 647, 15 RR 2d 814 (1969). Therefore in view of these considerations a staffing issue will be added by the Board.

SUBURBAN ISSUE

8. Petitioner, in requesting a Suburban issue,[4] contends that Allen has failed to meet the minimum requirements of Minshall Broadcasting Co., Inc., 11 FCC 2d

[2] In December 1968, Allen tendered for filing an application for a new FM station at Leisure City, Fla. (BPH–6545), which includes Allen's commitment of $37,000 in available funds for construction and initial operation.

[3] According to Allen's uncontradicted assertions in his affidavit, he has been associated with his firm since 1946 and has been its sole proprietor since 1953. He is a distributor of RCA equipment and has regularly sold items of broadcast equipment to various Trenton stations.

[4] Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961), affirmed sub. nom. Henry v. Federal Communications Commission, 112 U.S. App. D.C. 257, 302 F. 2d 191, 23 RR 2016, cert. denied, 371 U.S. 821 (1962).

795, 12 RR 2d 502 (1968), in regard to ascertainment of community needs. Specifically, Salt-Tee asserts that, in Allen's survey of the general Ocean City population, the questions asked were meaningless and the responses and proposals received were innocuous. Further, petitioner points to the similarity between the percentages of program categories noted in the Ocean City and Leisure City applications and the further similarity between the two sets of surveys, evaluations and program proposals therein and asserts that a presumption arises that both applications were completed without the applicant having ascertained the particular needs of the two communities. The Broadcast Bureau, while recognizing that it might be possible for both surveys to lead to similar results, states that the identical nature of the applications in this regard raises serious questions which require the addition of the issue. In his opposition Allen contends that his program survey and proposals meet the Minshall requirements in every way and that the similarity between the Ocean City and Leisure City applications stems from the essential similarity of the two communities.

9. The Review Board believes that an issue should be added to determine the efforts made by Allen to ascertain the community needs of Ocean City. The program category percentages in the Ocean City and Leisure City applications are identical, as are the figures for commercial matter and public service announcements. Moreover, the survey evaluations and general programing proposals for both stations are essentially the same. Both stations would present a "middle-of-the-road" music format, interspersed with spots throughout the day and with no particular program titles. Both stations will present only local news. These circumstances raise a serious question as to whether Allen has made the required effort to ascertain the community needs of Ocean City,[5] and the applicant has not responded with an adequate showing that the actual programs, as distinct from the program percentages and format, will be tailored to the distinct needs of the separate communities, or that the communities are so alike as to account for the similarities in programing proposals.[6] Even apart from the similarities between the Ocean City and Leisure City applications, Allen's program surveys are inadequate. Both Minshall Broadcasting Co., Inc., supra, and the Commission's public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, speak in terms of ascertaining "community needs", but the applicant's surveys were conducted in the context of program preferences and suggestions. This is indicated both by the nature of the questions asked ("What type of radio station do you like to listen to?"; "What part of a radio station do you like best?", etc.) and the nature of the responses ("less rock and roll", "stop reporting same news every 10 minutes", etc.). Another defect to be noted is the absence of any specific responses from the community leaders interviewed. Cf. Mace Broadcasting Co., FCC 68-671, 13 RR 2d 753 (1968). The exhibits contained in the application merely summarize the nature of the suggestions received and Allen's opposition pleading sets out just four specific responses attributable to community leaders. The Suburban issue will be added to this proceeding.

SECTION 1.65 ISSUE

10. Petitioner requests an issue to determine whether Allen has failed to keep the Commission advised of substantial changes in his application as required by § 1.65 of the Commission's rules. Salt-Tee contends that the Ocean City application of Allen has not been amended to show the filing of the Leisure City application despite the bearing of the latter application on the programing and financial proposals of the former. The Broadcast Bureau, in its comments, points out that, on January 17, 1969, Allen filed a petition for leave to amend its application to reflect the filing of the Leisure City application on December 2, 1968, but the Bureau states that the requested issue should be added in a case such as this one, where the omission in question bears directly upon a matter which must be determined in hearing (in this case the Suburban issue). In an affidavit attached to his opposition, Allen notes that his petition to amend was granted by the Hearing Examiner on February 11, 1969, contends that his mistake was innocent and due to his initial failure to retain counsel in connection with the preparation of either application, and states, that as soon as he retained counsel, he followed counsel's advice to amend his Ocean City application.

11. Although Allen appears to have technically violated § 1.65 of the rules, his petition to amend was submitted only 2 weeks late and was filed voluntarily before Salt-Tee filed the instant petition to enlarge issues. The mistake appears to have been innocent and we have no valid reason for questioning Allen's sworn disclaimer of any intention to withhold information from the Commission. Since Salt-Tee has failed to respond to Allen's disclaimer and since the above-noted circumstances sufficiently distinguish this case from Vernon Broadcasting Co., supra, we fail to see how the apparent violation could be of any decisional significance, and the section 1.65 issue will not be added.

COMPARATIVE PROGRAMING ISSUE

12. Finally, petitioner requests a comparative programing issue on the ground that its proposal differs substantially from Allen's proposal. As examples, it points to the fact that it proposes to devote 9 percent and 6.3 percent of its broadcast time to news programing and public affairs programing, respectively, as compared to Allen's 3.34 percent for each category and that it will carry local high school football and basketball games as compared to Allen's failure to carry any local sports events. The Broadcast Bureau, in its comments, opposes the addition of a comparative programing issue on the grounds that Salt-Tee has neither shown material and substantial differences between its program plans and those of Allen nor related assumed differences to demonstrated community needs. Allen's opposition argues against addition of the requested issue on a similar basis and also points out that Salt-Tee proposes substantial duplication of the programing of WSLT-AM, its standard broadcast station in Ocean City, while Allen proposes wholly independent programing.

13. The Commission has held that, in order to support a request for a comparative programing issue, the proponent must demonstrate substantial programing differences which "go beyond ordinary differences in judgment and show a superior devotion to public service." Policy Statement on Comparative Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965). These differences must be related to ascertained community needs. Chapman Radio and Television Co., 7 FCC 2d 213, 9 RR 2d 635 (1967). In support of its request, Salt-Tee relies merely on the percentages of time devoted to particular program categories and fails to demonstrate that such differences stem from ascertained community needs. Such a showing is not sufficient to meet the Commission's prerequisites for a programing inquiry in a comparative proceeding and, therefore, the requested issue will not be added to this proceeding.

14. *Accordingly, it is ordered,* That the petition to enlarge issues, filed January 27, 1969, by Salt-Tee Radio, Inc., is granted to the extent indicated below and is denied in all other respects; and

15. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues:

(1) To determine whether the staff proposed by Lester H. Allen is adequate to effectuate his proposed operation.

(2) To determine the efforts made by Lester H. Allen to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests; and

16. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof under the above issues will be on Lester H. Allen.

Adopted: April 29, 1969.

Released: April 30, 1969.

FEDERAL COMMUNICATIONS COMMISSION

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

[F.R. Doc. 69-5346; Filed, May 2, 1969; 8:49 a.m.]

[5] Cf. Vernon Broadcasting Co., 12 FCC 2d 946, 13 RR 2d 245 (1968).

[6] Ocean City has a population of 7,618 and a standard broadcast station. Leisure City has a population of 3,001 and no broadcast station of any kind.

FEDERAL MARITIME COMMISSION

[No. 69-18]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Strike Surcharges—North Atlantic/Continent Trades; Rescheduling of Filing Dates

North Atlantic Continental Freight Conference has requested an enlargement of time until May 19, 1969, within which to file briefs in this proceeding. A certain extension of time appears warranted. Accordingly, requests for hearing and affidavits of fact and memoranda of law shall be filed on or before May 12, 1969. Replies thereto shall be filed on or before May 22, 1969.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69-5311; Filed, May 2, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3329, etc.]

ESTATE OF FRANCIS W. SCOTT ET AL.

Findings and Order

APRIL 25, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

John L. Harlan, Trustee (Operator), et al., Applicant in Docket No. CI60-467, proposes to continue the sale of natural gas heretofore authorized in said docket as operator in lieu of American Petrofina Company of Texas which formerly operated the properties. The predecessor operator's rate schedule, American Petrofina Company of Texas (Operator), et al., FPC Gas Rate Schedule No. 71, will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-426. Concurrently with his certificate application Applicant filed a motion to make rate increase effective in Docket No. RI64-426, together with an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in Docket No. RI64-426. The motion will be construed as a motion to be made co-respondent in Docket No. RI64-426 with respect to sales of natural gas made under his FPC Gas Rate Schedule No. 2,[1] and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, petitions to intervene by The Brooklyn Union Gas Co., and Consolidated Edison Company of New York, Inc., were filed in Docket No. CI69-646, in the matter of the application filed on January 13, 1969, in said docket. The petitions have been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on April 23, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dockets Nos. CI69-767 and CI69-785 should be canceled and that the applications filed therein should be treated as petitions to amend the orders issuing certificates in Dockets Nos. CI65-904 and CI66-939, respectively.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI69-796 should be canceled and that the application filed therein should be treated as an amendment to the application in Docket No. CI68-23.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in Dockets Nos. G-274, G-3329, G-3784, G-11918, G-11922, CI60-224, CI60-418, CI60-467, CI61-1299, CI61-1405, CI61-1773, CI63-603, CI64-725, CI65-375, CI65-904, CI65-1145, CI66-939, CI66-1077, CI66-1093, CI67-66, CI67-490, CI67-1589, CI67-1780, CI67-952, CI68-650, CI68-656, CI68-1148 and CI69-276 should be amended as hereinafter ordered and conditioned.

(8) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(9) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that John L. Harlan, Trust-

[1] By order issued Oct. 7, 1966, in Docket No. G-4581 et al., Applicant was made co-respondent in the proceeding pending in Docket No. RI64-426 with respect to sales made by him pursuant to his FPC Gas Rate Schedule No. 1 during a previous term as operator of the subject properties.

ee (Operator), et al., should be made co-respondent in the proceeding pending in Docket No. RI64-426 and that the agreement and undertaking submitted by him in said proceeding should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) Sales authorized in Dockets Nos. CI64-725, CI67-1780, CI69-684, and CI69-758 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61-1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(b) Applicant in Docket No. CI69-684 shall not require buyer to take-or-pay for an annual quantity of gas during the first two contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas reserves or the specified contract quantity, whichever is the lesser amount. This condition shall remain in effect pending further Commission order in the subject docket or in other matters relating to the buyer's take-or-pay obligation under the subject contract.

(c) The initial rate for the sale authorized in Docket No. CI65-1145 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(d) The initial rate for the sale authorized in Docket No. CI69-628 shall be 15 cents per Mcf at 14.65 p.s.i.a. Applicant shall file a revised billing statement as required by the Natural Gas Act to reflect the 15 cents rate.

(e) The initial rate for the sale authorized in Docket No. CI67-66 shall be 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment.

(f) The initial rate for the sale authorized in Docket No. CI69-646 shall be 17 cents per Mcf at 15.025 p.s.i.a. Applicant shall file three copies of a revised billing statement as required by the Natural Gas Act to reflect the 17 cents rate. If Applicant desires to collect the 18.5 cents rate it must file three copies of a notice of change in rate under section 4 of the Natural Gas Act.

(g) The initial rate for the sale authorized in Docket No. CI69-728 shall be 18.75 cents per Mcf at 15.025 p.s.i.a., including tax reimbursement. Further, the certificate is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

(h) The authorizations granted in Dockets Nos. CI67-66, CI69-628, CI69-684, and CI69-758 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R-338 with respect to the transportation of liquefiable hydrocarbons.

(F) Dockets Nos. CI69-767, CI69-785, and CI69-796 are canceled.

(G) The orders issuing certificates in Dockets Nos. G-11922, CI60-224, CI61-1405, CI63-603, CI64-725, CI65-1145, CI66-939, CI66-1077, CI67-66, CI67-1589, CI67-1780, CI68-650, CI68-656, CI68-1148, and CI69-276 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(H) The sales heretofore authorized to be made in Dockets Nos. CI64-754 and CI65-691 shall be made pursuant to the authorization granted in Docket No. CI63-603 in paragraph (G) above, and the certificates heretofore issued in Dockets Nos. CI64-754 and CI65-691 are terminated.

(I) The sale heretofore authorized to be made in Docket No. G-8411 shall be made pursuant to the authorization granted in Docket No. CI69-276 in paragraph (G) above, and the certificate heretofore issued in Docket No. G-8411 is terminated.

(J) The authorization granted in Docket No. G-11922 in paragraph (G) above shall not be construed to relieve Applicant of any refund obligations incurred in the related rate suspension proceeding pending in Docket No. RI68-2.

(K) The order issuing a certificate in Docket No. G-3784 is amended to include authorization to sell low pressure gas heretofore authorized to be sold pursuant to the certificate issued in Docket No. G-8409 and the certificate heretofore issued in Docket No. G-8409 is terminated.

(L) The orders issuing certificates in Dockets Nos. G-274 [1], G-11918, CI60-418, CI61-1299, CI61-1773, CI66-1093, and CI67-952 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69-789, CI69-646, CI69-703, CI69-811, CI69-769, CI69-783, and CI69-833, respectively.

(M) The orders issuing certificates in Dockets Nos. G-3329, CI65-375, CI65-904, and CI67-490 are amended by substituting the successors in interest as certificate holders.

(N) The order issuing a certificate in Docket No. CI60-467 is amended to reflect the change in operator as indicated in the tabulation herein.

(O) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(P) Permission for and approval of the abandonment in Docket No. CI69-457 shall not be construed to relieve Applicant of any refund obligations incurred in the related rate suspension proceedings pending in Dockets Nos. RI60-318 and RI65-341.

(Q) Permission for and approval of the abandonment in Docket No. CI69-800 shall not be construed to relieve Applicant of any refund obligations which may be ordered in the related rate suspension proceeding pending in Docket No. RI63-116.

(R) Permission for and approval of the abandonment in Docket No. CI69-813 shall not be construed to relieve Applicant of any refund obligations in the related rate suspension proceedings pending in Dockets Nos. G-19661, RI61-114, RI62-113, RI64-210, RI65-276, and RI66-98.

[1] Complete succession with respect to Philadelphia Oil Co., FPC Gas Rate Schedule No. 3 and partial succession with respect to the "Grandfather" certificate in Docket No. G-274.

(S) Permission for and approval of the abandonment are granted in Docket No. CI68–23 and the temporary certificate heretofore issued in said docket is terminated.

(T) The certificates heretofore issued in Dockets Nos. G–8483, G–14909, and CI62–1317 are terminated.

(U) John L. Harlan, Trustee (Operator), et al., is made co-respondent in the proceeding pending in Docket No. RI64–426 with respect to sales of natural gas made pursuant to his FPC Gas Rate Schedule No. 2 and the agreement and undertaking submitted by him in said docket with respect to such sales is accepted for filing.

(V) John L. Harlan, Trustee (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by him in Docket No. RI64–426 with respect to sales made pursuant to his FPC Gas Rate Schedule No. 2 shall remain in full force and effect until discharged by the Commission.

(W) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–3329 E 2–5–69	Estate of Francis W. Scott (successor to Francis W. Scott).	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	Francis W. Scott, FPC GRS No. 2.	1	.....
			Supplement Nos. 1–15	1	1–15
			Notice of succession 2–1–69.[1]	.....	
			Effective date: 6–28–67	.....	
G–3329 E 2–5–69	do	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	Francis W. Scott, FPC GRS No. 3.	2	.....
			Supplement Nos. 1–9	2	1–9
			Notice of succession 2–1–69.[1]	.....	
			Effective date: 6–28–67 (C)	133	.....
G–3784 (G–5409) C 1–24–69 [2]	Sohio Petroleum Co. (successor to Blanco Oil Co.).	Transcontinental Gas Pipe Line Corp., Greta Field, Refugio County, Tex.	Amendment 10–1–68 [3 4]	[4] 204	11
G–11922 D 11–6–68	Humble Oil & Refining Co.	Panhandle Eastern Pipe Line Co., Taloga Field, Morton County, Kans.	Amendment 11–12–68	7	2
			Amendment 2–24–69 [3 4]	7	3
CI60–224 C 2–11–69 [5]	Bridwell Oil Co.	Texas San Juan Oil Corp., Miller and Fox Fields, Duval County, Tex.	American Petrofina Co. of Texas (Operator) et al., FPC GRS No. 71.	2	.....
			Supplement Nos. 1–2	2	1–2
			Notice of change in operator 11–8–68.	.....	
			Effective date: 10–1–68	.....	
CI61–1405 D 5–15–68	Mobil Oil Corp.	Cities Service Gas Co., Hugoton (Deep) Field, Kearny County, Kans.	Notice of partial cancellation (undated).[6]	262	3
			Notice of partial cancellation (undated).[6]	262	4
			Notice of partial cancellation (undated).[6]	262	5
			Notice of partial cancellation (undated).[4 6]	262	6

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI63–603 (CI65–691) C 2–26–69	Sinclair Oil Corp. (Operator) et al.	Lone Star Gas Co., East Doyle Field, Stephens County, Okla.	Amendment 4–1–68 [4 13]	239	9
CI63–603 (CI64–734) C 2–24–69	do	do	Amendment 5–8–68 [13]	239	10
			Amendment 11–20–68 [4 14]	239	11
CI64–725 C 12–24–68 [5]	Samedan Oil Corp. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Amendatory agreement 11–15–68.	17	13
			Compliance 3–5–69 [5 15]	17	14
CI65–373 E 2–17–69	J. D. King Operating Co. (successor to W. R. Hughey Operating Co. et al.).	Arkansas Louisiana Gas Co., Clinton Lake Field, Marion County, Tex.	W. R. Hughey Operating Co. et al., FPC GRS No. 1.	1	.....
			Supplement Nos. 1–2	1	1–2
			Notice of succession 2–14–69.	.....	
			Assignment 11–1–68 [16]	1	3
			Effective Date: 11–1–68	.....	
CI65–904 (CI69–767) E 2–17–69 [17]	Yale Oil Association (successor to Ramsey Associated Petroleum, Ltd.).	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Ramsey Associated Petroleum, Ltd., FPC GRS No. 1.	3	.....
			Notice of succession 11–21–68.	.....	
			Assignment 11–21–68	3	1
			Effective date: 11–21–68	.....	
CI65–1145 C 2–24–69 [4]	Pan American Petroleum Corp. [18]	Arkansas Louisiana Gas Co., Cartersville Field, LeFlore County, Okla.	Supplemental agreement 1–28–69.	419	14
			Statement and agreement 2–19–69 [3 18]	419	1 to 14
CI66–939 (CI69–785) C 2–19–69 [4 19]	D. R. Lauck Oil Co., Inc. (Operator), et al.	Northern Natural Gas Co., Wil Field, Edwards County, Kans.	Agreement 10–17–68	5	3
			Agreement 1–27–69 [3 13]	5	4
CI66–1077 C 2–24–69 [5]	John C. Orley et al.	Arkansas Louisiana Gas Co., South Pocola Field, LeFlore County, Okla.	Amendment 2–10–69	1	8
CI67–66 C 1–9–69 [5]	Amerada Petroleum Corp.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	Amendment 11–18–68	138	8
			Compliance 2–27–69 [4 15]	138	9
CI67–490 E 2–19–69	A. C. Radford et al. (successor to Zogg & Zogg, Inc.)	United Fuel Gas Co., Louden District, Kanawha County, W. Va.	Zogg & Zogg Inc., FPC GRS No. 2.	10	.....
			Supplement Nos. 1–3	10	1–3
			Notice of succession 12–26–68.	.....	
			Assignment 7–29–68	10	4
			Effective date: 7–29–68	.....	
CI67–1589 C 1–10–69 [5]	Southwest Oil Industries, Inc.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	Supplemental agreement 7–25–68.[3]	6	1
CI67–1780 C 1–22–69 [4]	Humble Oil & Refining Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Amendatory agreement 12–16–68.	430	5
			Compliance 3–3–69 [4 15]	430	6
CI68–23 (CI69–796) B 2–24–69 [20]	Jake L. Hamon (Operator) et al.	Texas Eastern Transmission Corp., Taft Area, San Patricio County, Tex.	Notice of cancellation 2–26–69.[4 15]	52	1
CI68–650 C 1–28–69 [5]	Texas Oil & Gas Corp. (Operator) et al.	Cities Service Gas Co., Mocane Laverne Field, Beaver County, Okla.	Amendatory Agreement 1–24–69.[3]	52	1
CI68–656 C 2–25–69 [5]	Sun Oil Co.	Panhandle Eastern Pipe Line Co., West Lorena Field, Texas County, Okla.	Amendment 1–15–69 [21]	227	3
CI68–1148 C 2–28–69 [5]	Appalachian Exploration & Development, Inc.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Supplemental agreement 10–28–68.[3]	2	8
CI69–276 (G–8411) C 2–26–69	L. E. Haught, d.b.a. Haught Drilling Co.	Pennzoil United, Inc., Murphy District, Ritchie County, W. Va.	Assignment 5–31–68 [22]	8	2
			Effective date: 5–31–68	.....	
CI69–457 (G–8483) B 11–7–68	Cabot Corp. (SW)	Panhandle Eastern Pipe Line Co., Hugoton Field, Seward County, Kans.	Notice of cancellation 11–4–68.[4 23]	[23] 28	3

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69-628..... A 1-2-69	Charles E. McRay.....	Arkansas Louisiana Gas Co., Mazzard Prairie Field, Sebastian County, Ark.	Contract 2-26-68.....	1	.....
			Contract 10-21-63.....	1	1
			Compliance 3-4-69 [1] [2].....	1	2
CI69-646..... (G-11918) F 1-13-69	Shell Oil Co. (successor to Mobil Oil Corp.).	United Gas Pipe Line Co., Iowa Field, Calcasieu Parish, La.	Contract 1-13-69 [3].....	365	.....
			Amendment 11-1-51.....	365	1
			Amendment 5-29-58.....	365	2
			Letter agreement 12-1-58...	365	3
			Amendment 8-6-59.....	365	4
			Assignment 6-28-68 [4].....	365	5
			Effective date: 7-1-67.....		
CI69-684..... A 1-23-69 [5]	Tenneco Oil Co. [6].....	Panhandle Eastern Pipe Line Co., Bodenschatz Unit, Cherokee Area, Alfalfa County, Okla.	Contract 12-11-68 [5].....	233	.....
CI69-703..... (CI60-418) F 1-21-69 as amended 2-20-69	Petroleum, Inc. (successor to Cities Service Oil Co.).	Panhandle Eastern Pipe Line Co., South Guymon Field, Texas County, Okla.	Contract 3-24-60 [7].....	53	.....
			Amendment 11-4-60.....	53	1
			Amendment 5-6-64.....	53	2
			Lease 11-26-68 [8].....	53	3
			Assignment 11-26-68 [4] [8]..	53	4
CI60-418 [9].....	Cities Service Oil Co....	....do.....	Lease 11-26-68 [9].....	138	5
			Assignment 11-26-68 [4] [9]..	138	6
CI69-728..... A 2-5-69 [5]	Belle Bower Producing Co., Inc.	Texas Eastern Transmission Corp., Grand Cane Area, De Soto Parish, La.	Contract 12-1-68.....	1	.....
			Compliance 3-3-69 [2] [10]....	1	1
CI69-742..... A 12-3-68 [5]	James W. Staples.....	United Gas Pipe Line Co., Mud Hill Field, Bee County, Tex.	Contract 11-1-68.....	1	.....
CI69-758..... A 2-13-69 [5]	G. M. Close (operator) et al.	Panhandle Eastern Pipe Line Co., Oakdale Area, Woods County, Okla.	Contract 1-17-69 [3] [11].....	4	.....
CI69-769..... (CI61-1773) F 2-17-69	Rex Monahan (successor to Sohio Petroleum Co.).	Kansas-Nebraska Natural Gas Co., Inc., Surveyor Creek Field, Washington County, Colo.	Contract 6-6-68 [12].....	10	.....
			Assignment 4-23-68 [13].....	10	1
			Effective date: 5-1-68.....		
CI69-779..... A 2-14-69 [5]	Sohio Petroleum Co. (Operator) et al.	Northern Natural Gas Co., Northwest Woodward Area, Woodward County, Okla.	Contract 1-24-69.....	150	.....
CI69-783..... (CI66-1093) F 2-20-69	Hassie Hunt Trust (successor to G. H. Vaughn, Jr. and Jack C. Vaughn (Operators) et al.).	Texas Gas Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	Contract 3-11-66 [14].....	38	.....
			Assignment 12-13-68 [4] [15]..	38	1
CI69-784..... A 2-24-69 [5]	Oklahoma Natural Gas Co. (Operator) et al.	Northern Natural Gas Co., Ivanhoe Field, Beaver County, Okla.	Contract 2-7-69 [5].....	35	.....
CI69-789..... (G-274) F 2-20-69 [16]	Colonial Oil and Gas Corp. (successor to Philadelphia Oil Co.).	Equitable Gas Co., Clay District, Monongalia County, W. Va.	Philadelphia Oil Co. (Contract No. 4181) FPC GRS No. 3.	1	.....
			Supplement No. 1.....	1	1
			Notice of succession 2-17-69.	.....	.....
			Supplemental agreement 7-10-68 [16].	1	2
			Assignment 7-10-68 [16].....	1	3
			Superseding contract (No. 6250) 7-25-68 [16]	1	4
			Assignment 8-8-68 [16].....	1	5
			Effective date: 8-8-68.....		
CI69-793..... A 2-26-69 [5]	Cayman Corp., Ltd.....	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 2-4-69 [5].....	4	.....
CI69-800..... (CI62-1327) B 2-24-69	Midwest Oil Corp. (Operator) et al.	United Fuel Gas Co., South Thornwell Field, Jefferson Davis Parish, La.	Notice of cancellation 2-18-69,[4] [17]	[18] 26	5
CI69-811..... (CI61-1299) F 2-25-69	David A. Paschket (successor to Benco Drilling Co., Inc.).	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Contract 1-17-61 [19].....	1	.....
			Assignment 8-17-68 [4] [7]....	1	1
			Assignment 8-21-68 [20].....	1	2
			Assignment 11-14-68 [21].....	1	3
			Effective date: 11-14-68.....		
CI69-813..... (G-14909) B 2-26-69	Mobil Oil Corp. (Operator) et al.	Hassie Hunt Trust, Lisbon Field, Claiborne Parish, La.	Notice of cancellation 2-27-69,[4] [22]	[18] 150	17
CI69-833..... (CI67-952) F 1-27-69 [23]	Phillips Petroleum Co. (successor to Humble Oil & Refining Co.).	United Gas Pipe Line Co., West Bryceland Field, Bienville Parish, La.	Contract 1-24-67 [24].....	456	.....
			Assignment 1-31-69 [25].....	456	1
			Effective date: 2-1-69.....		

See footnotes at end of table.

[1] Reflects death of Francis W. Scott on June 28, 1967.

[2] Sohio proposes in Docket No. G-3784 to continue pursuant to its FPC GRS No. 133 the sale of low pressure gas heretofore authorized in Docket No. G-8409 to be made pursuant to Blanco Oil Co.'s FPC GRS No. 2. Sohio's rate schedule presently provides for the subject service. The certificate heretofore issued in Docket No. G-8409 will be terminated.

[3] Production of gas no longer economically feasible.

[4] Effective date: Date of this order.

[5] Rate of 17.5 cents effective subject to refund in Docket No. RI68-2.

[6] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.

[7] Provides that buyer will have 5 years to make up gas paid for but not taken.

[8] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).

[9] Amendment to the certificate to reflect the change in operator.

[10] Assignment of interest to Helmerich & Payne, Inc., and Southern Natural Gas Co. Helmerich & Payne, Inc., et al., has advised by letter of Apr. 1, 1969, that no well has been drilled and no filings will be made.

[11] Assignment of interest to Aikman Bros. Corp.

[12] Supersedes Inez Calmes, executrix of the estate of Kermit W. Calmes, deceased, FPC GRS No. 1, Docket No. CI65-691 which will be terminated. Adds acreage acquired by assignment of Nov. 8, 1967, from Inez Calmes.

[13] Supersedes Warren Shear FPC GRS No. 1, Docket No. CI64-754 which will be terminated. Adds acreage acquired by assignments of Apr. 1, 1968, from Warren Shear.

[14] Amends basic contract to provide for 5-year makeup period for acreage dedicated by amendments of Apr. 1, 1968 and May 8, 1968.

[15] By letter of Feb. 12, 1969, attached to Supplement, Applicant accepts temporary certificate issued Feb. 7, 1969, and states willingness to accept permanent authorization for the additional acreage conditioned to an initial rate of 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement, plus B.t.u. adjustment.

[16] From W. R. Hughey Operating Co. et al., to Applicant.

[17] Application erroneously assigned Docket No. CI69-767 will be treated as a petition to amend the order issuing a certificate in Docket No. CI65-904 and Docket No. CI69-767 will be canceled.

[18] Contract provides for 16.015 cents per Mcf, including 0.015-cent tax reimbursement; however, Applicant proposes a rate of 15 cents per Mcf.

[19] Provides for 5-year makeup period for prepaid gas as to acreage under supplemental agreement of Jan. 28, 1969, in lieu of contractual 2-year makeup period.

[20] Application erroneously assigned Docket No. CI69-785 will be treated as a petition to amend the order issuing a certificate in Docket No. CI66-939 and Docket No. CI69-785 will be canceled.

[21] Amends basic contract to provide for a 5-year makeup period for prepaid gas. This amendment applies only to the Oct. 17, 1968, agreement and to acreage committed after Oct. 17, 1968.

[22] Complies with temporary certificate issued Feb. 14, 1969; Applicant states willingness to accept permanent authorization for the additional acreage conditioned to an initial rate of 17 cents, including tax reimbursement, plus B.t.u. adjustment and subject to the ultimate disposition of the proceeding in Docket No. R-338.

[23] Accepts conditioned temporary certificate issued Feb. 28, 1969; Applicant states willingness to accept permanent authorization for the additional acreage conditioned to an initial rate of 15 cents per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment.

[24] No permanent certificate granted in Docket No. CI68-23; therefore, the application filed in Docket No. CI69-796 will be treated as an amendment to the application in Docket No. CI68-23, Docket No. CI69-796 will be canceled and the temporary certificate in Docket No. CI68-23 will be terminated.

[25] Source of gas depleted.

[26] Dedicates casinghead gas to basic contract.

[27] Assigns the Welch Lease, which completes the succession, from Bowser to Haught; therefore, the certificate heretofore issued in Docket No. G-8411 will be terminated.

[28] Acreage assigned to Panhandle Eastern Pipe Line Co.; the consideration was $500 for remaining reserves of 38,000 Mcf (1.32 cents per Mcf).

[29] Rate of 13 cents in effect subject to refund in Docket No. RI65-341 and 12 cents rate effective subject to refund in Docket No. RI66-318.

[30] Complies with temporary certificate issued Feb. 14, 1969; Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents and subject to the ultimate disposition of the proceeding in Docket No. R-338.

[31] Basic contract between Mobil, as seller and United, as buyer; currently on file as Mobil's FPC GRS No. 24.

[32] Transfers acreage from Mobil to Shell insofar as it pertains to the 14FV Sand.

[33] Applicant's original filing provides for 17 cents per Mcf plus B.t.u. adjustment; by letter filed Feb. 24, 1969, Applicant indicated its willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf plus B.t.u. adjustment and subject to the outcome of the proceedings in Docket No. R-338. By letter filed Mar. 6, 1969,

Applicant also agreed to accept a condition to limit the buyer's take-or-pay requirement so as not to exceed a ratio of 1 to 3,650 during the first 2 contract years.
[34] Also on file as Cities Service Oil Co. FPC GRS No. 138.
[35] Conveys certain interests to Petroleum, Inc., from Cities Service Oil Co.
[36] No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.
[37] Complies with temporary certificate issued Feb. 28, 1969; Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 18.75 cents per Mcf including tax reimbursement and limiting the buyer's take-or-pay obligation to a 1 to 7,300 reserves ratio.
[38] Contract rate is 17 cents per Mcf; however, Applicant is willing to accept a permanent certificate at the rate of 15 cents per Mcf. Applicant is also willing to accept authorization conditioned to the ultimate disposition of the proceeding in Docket No. R-338.
[39] Partially supersedes Apr. 14, 1959 contract presently on file as Sohio Petroleum Co. FPC GRS No. 144 (formerly Conroy, Inc., FPC GRS No. 2).
[40] Partial assignment from Conroy, Inc., to Rex Monahan. Remaining acreage assigned to Sohio by conveyance dated June 15, 1958.
[41] Also on file as G. H. Vaughn, Jr., and Jack C. Vaughn (Operators) et al., FPC GRS No. 10.
[42] Conveys interest from Vaughn Petroleum, Inc., et al., to Hassie Hunt Trust.
[43] Complete succession to Philadelphia's FPC GRS No. 3 and partial succession to the "Grandfather" certificate in Docket No. G-274 which covers other sales.
[44] Cancels that portion of the basic contract pertaining to one depleted and abandoned lease.
[45] From Philadelphia to Joseph H. Goth, Jr.
[46] Between Goth and Equitable Gas Co.
[47] From Goth to Colonial Oil & Gas Corp.
[48] Rate of 20.7 cents effective subject to refund in Docket No. RI63-116. By Commission order dated Jan. 7, 1964, in Docket No. G-13221, et al., the Commission approved Midwest's initial settlement rate of 20.3 cents.
[49] Between Pace Bower Construction Co., seller and Hope Natural Gas Co. (now Consolidated), buyer; also on file as Benco Drilling Co., Inc., FPC GRS No. 1.
[50] From Benco Drilling Co., Inc. (assignee of Pace Bower Construction Co. as of July 18, 1966) to E. N. Clark.
[51] From E. N. Clark to Petroleum Enterprises.
[52] From Thomas R. Little, one of the two partners in Petroleum Enterprises, to Applicant.
[53] Rate of 14.9866 cents effective subject to refund in Docket No. R166-98. Prior rate proceedings pending in Dockets Nos. R165-276, R164-210, R162-113, R161-114, and G-19661.
[54] Application filed and notices as a complete succession, further review reveals that the succession is partial rather than complete; therefore, said application was reassigned Docket No. C169-833.
[55] On file as Humble Oil & Refining Co. (Operator) et al., FPC GRS No. 417.
[56] Conveys interest from Humble to Phillips.

[F.R. Doc. 69-5232; Filed, May 2, 1969; 8:45 a.m.]

[Docket No. CP69-273]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

APRIL 28, 1969.

Take notice that on April 21, 1969, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the direct sale of natural gas to an industrial customer, 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 construct and operate a tap and delivery facilities on its 8-inch Line HM-1 in Union County, Ark., to effect the direct sale of natural gas for industrial consumption under an industrial gas sales contract with Gulf Oil Co.

The estimated third year peak day and annual sales are 4,000 Mcf and 1,000,000 Mcf, respectively.

The total estimated cost of the proposed construction is $1,525, which will be financed from cash on hand and short-term loans until included in a long-term financing issue at a later date.

Any person desiring to be heard or to make any protests with reference to said application should on or before May 26, 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. 69-5301; Filed, May 2, 1969; 8:45 a.m.]

[Docket No. CP69-103]

COLUMBIA GULF TRANSMISSION CO.

Notice of Petition To Amend

APRIL 29, 1969.

Take notice that on April 18, 1969, Columbia Gulf Transmission Co. (Petitioner), Post Office Box 683, Houston, Tex. 77001, filed in Docket No. CP69-103 a petition to amend the Commission's order issued March 17, 1969, in said docket by authorizing Petitioner to construct and operate four of the main line loops authorized by said order at locations short distances upstream from the locations shown in the original application in this proceeding and to postpone to 1970 the construction and operation of the authorized loop crossings of the Kentucky and Cumberland Rivers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of March 17, 1969, among other things, authorized Petitioner to construct and operate 10 main line loops of 36-inch pipe totaling approximately 268 miles. Three of the proposed loops are crossings of the Kentucky, Cumberland, and Ouachita Rivers. Petitioner states that as a result of continuing to develop the engineering design of the proposed facilities, four of the loops are proposed to be constructed in more advantageous locations. Further, Petitioner states that in order to reduce 1969 construction expenditures, it desires to postpone the construction of the Kentucky and Cumberland Rivers' crossings to the 1970 construction season.

Any persons desiring to be heard or to make any protest with reference to said petition should on or before May 26, 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) 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. 69-5302; Filed, May 2, 1969; 8:45 a.m.]

[Docket No. CP69-268]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

APRIL 28, 1969.

Take notice that on April 14, 1969, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP69-268 a "budget-type application" pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing July 1, 1969, and operate various gas purchase facilities, 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 construct during the 12-month period commencing July 1, 1969, and operate various gas purchase facilities

which will permit Applicant to augment its ability to attach to its transmission system new sources of natural gas supplies from various producers in the area generally coextensive with the transmission system.

The total estimated cost of the proposed facilities will not exceed $1 million, with no single project to exceed a cost of $250,000. The cost will be financed from internally generated funds.

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.

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. 69-5303; Filed, May 2, 1969; 8:45 a.m.]

[Project 2677]

GREEN BAY & MISSISSIPPI CANAL CO.

Notice of Application for License for Constructed Project

APRIL 28, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Green Bay & Mississippi Canal Co. (correspondence to: William J. Schenck, Director, Green Bay & Mississippi Canal Co., 204 West College Avenue, Appleton, Wis. 54911) for constructed Project No. 2677, known as the Kaukauna Project, located on the Fox River in Outagamie County, Wis., in and near the city of Kaukauna.

The existing Kaukauna Project consists of: A 2,100-foot long, 100-foot wide power canal conveying water to the applicant's Old Badger and New Badger plants from the Fox River above the U.S.-owned upper dam in Kaukauna; Old Badger powerhouse containing two 1,000 kw. generators each connected to a turbine that operates at a 22-foot head; New Badger powerhouse containing two 1,800 kw. generators each connected to a turbine that operates at a 24-foot head; Rapide Croche powerhouse located about 4.5 miles downstream from the Badger plants, using water impounded by the U.S.-owned Rapide Croche dam and containing four 600 kw. generators each connected to a turbine which operates at a 7.8-foot head; a 12 kv. transmission line about 4.85 miles long from the Rapide Croche plant to a point near the Badger plants; and appurtenant facilities. Applicant proposes to make a tract of project land near the Rapide Croche plant available for recreation.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 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. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5304; Filed, May 2, 1969; 8:45 a.m.]

[Project 2693]

CITY OF HOLYOKE, MASS., GAS & ELECTRIC DEPARTMENT

Notice of Application for Preliminary Permit for Unconstructed Project

APRIL 28,1969.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by City of Holyoke, Gas & Electric Department (correspondence to: F. H. King, Manager, City of Holyoke, Gas & Electric Department, 70 Suffolk Street, Holyoke, Mass. 01040) for unconstructed Project No. 2693, to be known as the Enfield Project, located on the Connecticut River in Hartford County near Enfield and Hartford and in the vicinity of Springfield, Mass.

Applicant proposes to investigate under any permit issued the feasibility of constructing a multipurpose project having a dam with about 31 feet of head, at Enfield Rapids and also navigation, fish passage, and hydroelectric facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 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. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5305; Filed, May 2, 1969; 8:45 a.m.]

[Docket No. E-7477]

KANSAS CITY POWER & LIGHT CO.

Notice of Application

APRIL 29, 1969.

Take notice that on April 21, 1969, Kansas City Power & Light Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act, authorizing the issuance of short term promissory notes in an aggregate principal amount not to exceed $40 million outstanding at any one time.

Applicant is incorporated under the the laws of the State of Missouri with its principal business office in Kansas City, Mo., and is engaged in the electric utility business in the Kansas City metropolitan area and parts of 23 counties in Missouri and Kansas.

Applicant proposes to issue notes to commercial banks and notes in the form of commercial paper to commercial paper dealers and directly to purchasers for their own accounts. The notes, which will have maturity dates of less than 12 months but not later than December 31, 1971, are not to exceed $40 million outstanding at any one time. The proceeds from the sale of the notes will be used to add funds to Applicant's working capital for ultimate application towards the cost of gross additions to the utility properties of the Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 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 par-

ties 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. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5306; Filed, May 2, 1969; 8:45 a.m.]

[Docket No. CP69-271]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

APRIL 29, 1969.

Take notice that on April 16, 1969, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP69-271 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by purchase from Excelsior Oil Corp. (Excelsior), and operation of facilities necessary for Applicant to deliver to its main transmission line, after gathering, compressing and processing, gas purchased from various producers in the North Shawnee-Flat Top Field, Converse County, Wyo., all as more fully set forth in the subject application which is on file with the Commission and open to public inspection.

Applicant states that it began purchasing gas in the North Shawnee-Flat Top Field in April of 1962 and that this gas is delivered to Applicant at a point on its main transmission line in Wyoming some 25 miles southwest of said field. Further, Applicant states that each of its purchase contracts requires the gas to be processed before delivery to Applicant and that said gas sold by each producer is processed in the Flat Top plant and is delivered to Applicant at the above delivery point as a commingled stream.

Applicant alleges that if it can convert its purchases from the field to well-head purchases it would give Applicant better control of the production and processing operation so as to eliminate waste and to provide more reliable deliveries, and, further, that operation of the gathering, compression, plant and delivery facilities would also eliminate the complex accounting necessary under the present arrangement.

Applicant proposes to acquire the subject facilities from Excelsior who, under agreements with the various producers, is presently performing the gathering, compression, processing, and delivery services, including delivery of the plant residue gas to Applicant on behalf of the producers. Applicant proposes to acquire all of the facilities presently used by Excelsior to deliver residue gas from the plant tailgate to the aforementioned delivery point on its main transmission line. These facilities include approximately 25.8 miles of 4-inch pipe and a compressor located at Orin Junction.

The application indicates that Applicant will acquire the subject facilities at Excelsior's book cost, and that financing will be through the cancellation of indebtedness owed to Applicant by Excelsior.

Any persons desiring to be heard or to make any protest with reference to said application should on or before May 26, 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) 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. 69-5307; Filed, May 2, 1969; 8:46 a.m.]

[Docket No. RI66-20 [1]]

MAPCO PRODUCTION CO. ET AL.

Order Accepting Notice of Change in Rate and Related Contract Amendment, Severing and Terminating Rate Proceeding

APRIL 10, 1969.

On July 1, 1965, Mapco Production Co. (Operator) et al. (Mapco), filed a notice of change in rate, designated as Supplement No. 6 to Mapco's FPC Gas Rate Schedule No. 2, proposing a rate increase, from 14 cents to 14.5 cents per Mcf, for its jurisdictional sales of natural gas to Mississippi River Transmission Corp. in the Gooch Gas Unit, Woodlawn Field, Harrison County, Tex. (Railroad District No. 6), which was suspended by the Commission's order issued July 23, 1965, until January 1, 1966. Mapco's proposed rate increase was subsequently permitted to become effective subject to refund.

Mapco proposes to settle its rate proceeding in Docket No. RI66-20 in accordance with the Second and Ninth Amendments to the Commission's Statement of General Policy No. 61-1. Mapco submits a notice of change in rate [3] from 14.5 cents to 15 cents per Mcf, together with a related contract amendment [2] which deletes all price escalation provisions, except for future tax reimbursement, and provides for the proposed 15-cent rate for the remaining primary term of the contract which expires on May 4, 1976. Mapco's proposed rate filings are set forth in Appendix A hereof.

Mapco's proposed amendment and related notice of change meet the requirements under the Second and Ninth Amendments to the Commission's Statement of General Policy No. 61-1. Accordingly, we believe that such amendment and related notice of change in rate should be accepted for filing to become effective on April 19, 1969, the expiration date of the 35-day statutory notice period, and the rate suspension proceeding in Docket No. RI66-20 should be severed from the Area Rate Proceeding in Docket No. AR67-1 et al. (Other Southwest Area) and terminated.

However, we desire to make it clear that acceptance of Mapco's offer of settlement shall not be construed as constituting approval of any future rate increase that may be filed under the subject rate schedule resulting from any possible future tax increase, and is without prejudice to any findings or orders of the Commission in any proceeding, including area rate or other similar proceeding, involving Mapco's rate and rate schedule.

Inasmuch as the present 14.5-cent rate, which is in effect subject to refund in Docket No. RI66-20, is less than the proposed 15-cent settlement rate, the proceeding in Docket No. RI66-20 should be terminated.

Mapco requests an effective date of April 1, 1969, for its proposed contract amendment and change in rate. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Mapco's contract amendment and rate increase and such request is denied.

The Commission orders:

(A) Mapco's contract amendment dated March 7, 1969, and 15 cents per Mcf rate increase, designated as Supplement Nos. 7 and 8 to Mapco's FPC Gas Rate Schedule No. 2, respectively, are accepted for filing and permitted to become effective on April 19, 1969, the expiration date of the statutory notice.

(B) The proceeding in Docket No. RI66-20 is severed from the Area Rate

[1] Docket No. RI66-20 is consolidated in the Area Rate Proceeding, et al., (Other Southwest Area), Docket No. AR67-1, et al.

[2] Designated as Supplement No. 8 to Mapco's FPC Gas Rate Schedule No. 2.

[3] Designated as Supplement No. 7 to Mapco's FPC Gas Rate Schedule No. 2.

Proceeding, et al. (Other Southwest Area), Docket No. AR67–1 et al., and terminated and Mapco is relieved of any refund obligation in Docket No. RI66–20.

(C) The acceptance of the Commission of Mapco's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Mapco including area rate or other similar proceedings.

By the Commission.

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

APPENDIX A

Docket No	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI66-20...	Mapco Production Co. (Operator) et al., 800 Oil Center Bldg., Tulsa, Okla. 74119.	2	[1] 7	Mississippi River Transmission Corp. (Woodlawn Field, Harrison County, Tex.), (R.R. District No. 6).	.....	3-19-69	[2] 4-19-69 (Accepted)		.....	.....	.....
		2	8		$1,320	3-19-69	[2] 4-19-69 (Accepted)		[6] 14.5	[4] [5] 15.0	RI66-20.

[1] Contract amendment dated Mar. 7, 1969, deletes all price escalation provisions, except for future tax reimbursement based on new or additional taxes, and provides for 15-cent rate, effective as of Mar. 7, 1969, for remaining primary term of contract which expires on May 4, 1976.

[2] The stated effective date is the first day after expiration of the statutory notice.
[4] Renegotiated rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.

[F.R. Doc. 69–5309; Filed, May 2, 1969; 8:46 a.m.]

[Docket No. CP69–275]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

APRIL 28, 1969.

Take notice that on April 22, 1969, South Georgia Natural Gas Co. (Applicant), Post Office Box 1279, Thomasville, Ga. 31792, filed in Docket No. CP69–275 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by sale certain natural gas facilities used in the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to the Americus Utility Commission approximately 7,600 feet of 4½-inch line located in Sumter County, Ga. The Commission will use the line as part of its distribution system serving Americus, Ga., and environs.

The line will be sold at its estimated depreciated book value of $10,125.

Applicant also proposes to move its existing metering and regulating station in a southerly direction approximately 7,600 feet to enable this proposed abandonment and sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 26, 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 permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–5308; Filed, May 2, 1969; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry and Withdrawal From Warehouse for Consumption

APRIL 30, 1969.

On June 2, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Mexico concerning exports of cotton textiles and cotton textile products from Mexico to the United States over a 4-year period begininng on May 1, 1967. Among the provisions of the agreement are those establishing an aggregate limit, Group limits, and specific limits for Categories 9, 10, 22, 23, 26, 27, 63 and 64, with sublimits on duck fabric (parts of Categories 26 and 27), and on zipper tapes (part of Category 64), for the agreement year beginning May 1, 1969.

There is published below a letter of April 28, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 1, 1969, and extending through April 30, 1970, be limited to designated levels.

Cotton textiles and cotton textile products which were exported from Mexico to the United States prior to May 1, 1969, in categories for which the levels of restraint for the 12-month period ending April 30, 1969, are filled, will, at the request of the Government of Mexico, continue to be denied entry under the terms of the directive published below. Consultations will be held between the two Governments in the near future to determine the disposition of such goods.

The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

APRIL 28, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done

at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective May 1, 1969, and for the 12-month period extending through April 30, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, in excess of the designated levels of restraint set forth below.

The combined level of restraint for Categories 1, 2, 3, and 4, shall be 12,415,110 pounds. Of this amount not more than 3,115,761 pounds shall be in Categories 3 and 4.

The overall level of restraint for Categories 5 through 27 shall be 23,152,500 square yards.

Within the overall level of restraint for Categories 5 through 27, the following specific levels of restraint shall apply:

Category	12-month level of restraint
9	square yards... 4,410,000
10	do.... 2,205,000
22	do.... 4,410,000
23	do.... 3,307,500
26	do[1]... 6,615,000
27	do[1]... 2,205,000

[1] Of the total amount for Categories 26 and 27, not more than 4,961,250 square yards shall be in duck fabric, T.S.U.S.A. Nos.:

320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

Within the overall level of restraint for Categories 5 through 27, each category without a specific level of restraint is subject to a consultation level of 551,250 square yards, pursuant to paragraph 7 of the bilateral agreement. If appropriate, future directions concerning these categories will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The overall level of restraint for Categories 28 through 64, shall be 2,425,500 square yards equivalent. There is attached to this directive the rates of conversion into square yard equivalents of the aforesaid categories to be used in implementing this part of this directive.

Within this overall level of restraint for Categories 28 through 64, the following specific levels of restraint shall apply:

Category	12-month level of restraint
63	121,275 pounds.
64	359,415 pounds (of which not more than 99,225 pounds shall be in zipper tapes, T.S.U.S.A. No. 347.3340).

Within the overall level of restraint for Categories 28 through 64, each category without a specific level of restraint is subject to a consultation level of 385,875 square yards equivalent, pursuant to paragraph 7 of the bilateral agreement. If appropriate, future directions concerning these categories will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

In carrying out this directive, cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico and which have been exported to the United States from Mexico prior to May 1, 1969, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period May 1, 1968, through April 30, 1969. In the event that any level of restraint for the 12-month period ending April 30, 1969, has been exhausted by previous entries, such goods shall be denied entry.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 2, 1967, between the Governments of the United States and Mexico which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

Category No.	Description	Unit	Conversion factor to Syds
28	Pillowcases, not ornamented, carded	Numbers	1.084
29	Pillowcases, not ornamented, combed	do	1.084
30	Towels, dish	do	.348
31	Towels, other	do	.348
32	Handkerchiefs, whether or not in the piece	Dozen	1.66
33	Table damask and manufactures	Pound	3.17
34	Sheets, carded	Numbers	6.2
35	Sheets, combed	do	6.2
36	Bedspreads and quilts	do	6.9
37	Braided and woven elastic	Pounds	4.6
38	Fishing nets and fish netting	do	4.6
39	Gloves and mittens	Dozen	3.527
40	Hose and half hose	Dozen pairs	4.6
41	T-shirts, all white, knit, men's and boys'	Dozen	7.234
42	T-shirts, other knit	do	7.234
43	Shirts, knit, other than T-shirts and sweatshirts	do	7.234
44	Sweaters and cardigans	do	36.8
45	Shirts, dress, not knit, men's and boys'	do	22.186
46	Shirts, sport, not knit, men's and boys'	do	24.457
47	Shirts, work, not knit, men's and boys'	do	22.186
48	Raincoats, three-quarter length or longer, not knit	do	50.0
49	Coats, other, not knit	do	32.5
50	Trousers, slacks, and shorts (outer), not knit, men's and boys'	do	17.797
51	Trousers, slacks and shorts (outer), not knit, women's girls' and infants.	do	17.797
52	Blouses, not knit	do	14.53
53	Dresses (including uniforms), not knit	do	45.3
54	Playsuits, sunsuits, washsuits, creepers, rompers, etc., not knit, n.e.s.	do	25.0
55	Dressing gowns, including bathrobes and beachrobes, lounging gowns, housecoats, and dusters, not knit.	do	51.0
56	Undershirts, knit, men's and boys'	do	9.2
57	Briefs and undershorts, men's and boys'	do	11.25
58	Drawers, shorts, and briefs, knit, n.e.s.	do	5.0
59	All other underwear, not knit	do	16.0
60	Pajamas and other nightwear	do	51.96
61	Brassieres and other body supporting garments	do	4.75
62	Wearing apparel, knit, n.e.s.	Pounds	4.6
63	Wearing apparel, not knit, n.e.s.	do	4.6
64	All other cotton textiles	do	4.6

[F.R. Doc. 69-5377; Filed, May 2, 1969; 8:50 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry and Withdrawal From Warehouse for Consumption

APRIL 29, 1969.

On January 8, 1969, there was published in the FEDERAL REGISTER (34 F.R. 276) a letter dated December 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea and exported to the United States during the 12-month period beginning January 1, 1969. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 7 of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent. The aforementioned letter also provided that any such adjustment in the levels of restraint would

be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of April 28, 1969, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs adjusting the level of restraint applicable to cotton textiles in Category 49, for the 12-month period which began on January 1, 1969.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

APRIL 28, 1969.

DEAR MR. COMMISSIONER: On December 27, 1968, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States on or after January 1, 1969, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph seven (7) of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 27, 1968, the level of restraint provided in that directive for cotton textile products in Category 49, produced or manufactured in the Republic of Korea, for the 12-month period beginning January 1, 1969, and extending through December 31, 1969, is hereby amended, to be effective as soon as possible, as follows:

Category		*Amended 12-month level of restraint*
49	dozen	28,941

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of Dec. 11, 1967, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

[F.R. Doc. 69-5340; Filed, May 2, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 9.1]

DEPUTY ASSISTANT ADMINISTRATOR FOR MANAGEMENT ET AL.

Redelegation of Authority Regarding Administrative Activities

I. Pursuant to the authority delegated to the Assistant Administrator for Management by the Administrator (Delegation of Authority No. 9, 34 F.R. 6632, Apr. 17, 1969), the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Deputy Assistant Administrator for Management.* 1. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services for the Agency.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410 dated March 26, 1962 (27 F.R. 3017) from the Administrator of the General Services Administration to the Heads of Executive Agencies.

3. To rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

B. *Director and Assistant Director, Office of Administrative Services.* 1. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services for the Agency.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410 dated March 26, 1962 (27 F.R. 3017) from the Administrator of the General Services Administration to the Heads of Executive Agencies.

3. To issue government bills of lading, printing and binding orders, purchase orders, work orders, telephone orders, and tax exemption certificates.

4. To rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

C. *Chief, Procurement and Supply Division.* 1. To contract for supplies, materials and equipment, printing, and special services.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410 dated March 26, 1962 (27 F.R. 3017) from the Administrator of the General Services Administration to the Heads of Executive Agencies.

3. To issue government bills of lading, printing and binding orders, purchase orders, and tax exemption certificates.

D. *Assistant Chief, Procurement and Supply Division.* 1. To issue Government bills of lading, printing and binding orders, purchase orders, and tax exemption certificates as they relate to Delegation of Authority No. 410 dated March 26, 1962 (27 F.R. 3017) from the Administrator of the General Services Administration to the Heads of Executive Agencies.

E. *Warehouse Foreman, Procurement and Supply Division.* 1. To issue Government bills of lading.

F. *Chief, Office Services Division.* 1. To issue work orders, telephone orders, and authorize and approve repairs to machinery and equipment.

II. The specific authorities delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting in that position.

IV. All authority previously delegated by the Assistant Administrator for Administration to officials under his jurisdiction is hereby rescinded without prejudice to actions taken under such delegations prior to the date herein.

Effective date: March 17, 1969.

EDWIN Z. HOLLAND,
Assistant Administrator for Management.

[F.R. Doc. 69-5321; Filed, May 2, 1969; 8:47 a.m.]

SMITHSONIAN INSTITUTION

PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Delegation of Authority

The following relates to public contracts and property management.

I. PROCUREMENT AUTHORITY

SECTION 1. *Authority delegated.* (a) The Chief of the Supply Division is designated "Head of the Procurement Activity," as defined in FPR 1–1.206.

(b) The Head of the Procurement Activity is authorized hereby to (1) enter into, modify, administer, and terminate contracts for property and services and to make related determination and findings; (2) settle termination claims; (3) appoint contracting officers; and (4) establish procurement policy and publish procurement regulations in conformance with: (a) Title III, Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 251 et seq.); (b) implementing regulations of the Administrator, General Services Administration;

(c) regulations of the Smithsonian Institution; and (d) other applicable laws.

SEC. 2. *Redelegation.* (a) The Head of the Procurement Activity may redelegate, without power of further redelegation, the authority delegated by the above (sec. 1), subject to limitations stipulated in the Federal Procurement Regulations, and regulations of the Smithsonian Institution.

(b) Personnel delegated responsibility for procurement functions must possess a level of experience, training, and ability commensurate with the complexity and magnitude of procurement actions involved.

SEC. 3. *Limitations; determinations and findings.* (a) Determinations and findings required by FPR 1-3.211 for contracts in excess of $25,000 and by FPR 1-3.212 and 1-3.213 shall be made by the Secretary of the Smithsonian Institution, or his duly appointed representative.

(b) Determinations which justify construction or installation of nonseverable property on land not owned by the United States shall be made by the Assistant Secretary.

(c) Determinations which justify an exception to the restrictions of the Buy American Act shall be made in conformance with Part 1-6 of the Federal Procurement Regulations (41 CFR Part 1-6).

SEC. 4. *Fixed fee.* Proposed fees under cost-plus-a-fixed-fee contracts which exceed the following shall be approved only by the Head of the Procurement Activity or his designee:

(1) 10 percent of the estimated cost, exclusive of fee, of any cost-plus-a-fixed-fee contract for experimental, development or research work.

(2) 7 percent of the estimated cost, exclusive of fee, of any other cost-plus-a-fixed-fee contract.

SEC. 5. *Mistakes in bids.* (a) Authority is delegated to the Head of the Procurement Activity to make the determinations specified in §§ 1-2.406.3 and 1-2.406.4 of the Federal Procurement Regulations (41 CFR Part 1-2) in connection with mistakes in bids.

(b) This delegation of authority cannot be redelegated.

(c) Each proposed determination (sec. 5(a)) shall be approved by the Office of the General Counsel of the Smithsonian Institution.

II. PUBLICATION OF ADVERTISEMENTS, NOTICES, OR PROPOSALS

SEC. 6. *Authority delegated.* The Head of the Procurement Activity is hereby authorized to make the required determination in connection with and to order paid advertisements, notices, and contract proposals in newspapers and periodicals in accordance with 5 U.S.C. 302(b)(2) and the requirements and conditions stipulated in 44 U.S.C. 321, 322, and 324, and Title 7, Chapter 5, section 25.2, General Accounting Office Policy and Procedure Manual for Guidance of Federal Agencies.

SEC. 7. *Redelegation.* The Head of the Procurement Activity may redelegate the authority conferred by the above delegation.

III. AUTHORITY TO SIGN APPLICATIONS TO PROCURE TAX-FREE AND SPECIALLY DENATURED ALCOHOL AND TO SIGN TREASURY DEPARTMENT FORMS FOR PURCHASE OF NARCOTICS

SEC. 8. *Authority delegated.* The Head of the Procurement Activity is authorized to (a) sign applications to procure tax-free and specially denatured alcohol and (b) to appoint accredited officials to order narcotics in accordance with regulations of the Treasury Department and the Internal Revenue Service.

SEC. 9. *Redelegation.* The Head of the Procurement Activity may redelegate the authority conferred by the above (sec. 8) delegation. Redelegation should be made only to responsible officials whose functions require the procurement of alcohol or narcotics.

Dated: April 28, 1969.

S. DILLON RIPLEY,
Secretary.

[F.R. Doc. 69-5336; Filed, May 2, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Recommendations for Appointment

Section 14 of the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 40, 41, 29 U.S.C. 308e) provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" which is to consist of 13 members to be appointed as follows: One from the insurance field, one from the corporate trust field, two from management, four from labor, and two from other interested groups, all of whom are to be appointed by the Secretary from among persons recommended by organizations in the respective groups. The additional three representatives are to be appointed from the general public by the Secretary. The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under the Welfare and Pension Plans Disclosure Act, as Amended, and to submit to the Secretary recommendations with respect thereto. The Council is required to meet at least twice each year and at such other times as the Secretary requests.

To assure continuity in the handling of the business of the Council, a rotation system is provided whereby the 2-year terms of approximately half the members expire each year. The groups represented by the members whose terms expire on June 30, 1969, are as follows: Labor (2), the insurance field (1), management (2), and the public (1). Appointments of new members will be for 2-year terms, beginning July 1, 1969.

Accordingly, notice is hereby given that any organization desiring to recommend persons for appointment to the "Advisory Council on Employee Welfare and Pension Benefit Plans" may submit recommendations to the Secretary of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210, on or before June 1, 1969. The recommendation may be in the form of a letter, resolution, or petition, signed by an authorized official of the organization. Each recommendation shall identify the candidate by name, occupation, or position, and address. It shall specify the field or group which he would represent for purposes of section 14 of the Act, and whether he is available and would accept.

Signed at Washington, D.C., this 30th day of April 1969.

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

[F.R. Doc. 69-5396; Filed, May 2, 1969; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 43, Amdt. 1]

FLORIDA EAST COAST RAILWAY CO. ET AL.

Car Distribution

To: Florida East Coast Railway Co., Seaboard Coast Line Railroad Co., Louisville and Nashville Railroad Co., Missouri Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 43, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 43 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 1, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 4, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 30, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-5350; Filed, May 2, 1969; 8:49 a.m.]

[S.O. 1002; Corrected Car Distribution Direction 44, Amdt. 1]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., The Atchison, Topeka and Santa Fe Railway Co.

Upon further consideration of Corrected Car Distribution Direction No. 44, and good cause appearing therefor:

It is ordered, That:

Corrected Car Distribution Direction No. 44 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 1, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 4, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 30, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-5351; Filed, May 2, 1969; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 30, 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. 41629—*Grain and grain products from and to points in Illinois and Wisconsin.* Filed by Illinois Freight Association, agent (No. 344), for interested rail carriers. Rates on barley, buckwheat, corn, oats, rye, soybeans, wheat, and grain screenings, in carloads, as described in the application, between points in Illinois and southern Wisconsin, on the one hand, and Chicago, Ill., on the other.

Grounds for relief—Motortruck competition.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-5352; Filed, May 2, 1969; 8:49 a.m.]

[Notice 824]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 30, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17226 (Sub-No. 35 TA), filed April 21, 1969. Applicant: FRUIT BELT MOTOR SERVICE, INC., 7626 West Madison Street, Forest Park, Ill. 60130. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machines, machinery, appliances, parts, equipment, materials, supplies, and accessories;* between Alsip, Ill., on the one hand, and, on the other, points in Lake County, Ind.; restriction: The operations are limited to a transportation service to be performed under a continuing contract, or contracts with the Whirlpool Corp., for 180 days. Supporting shipper: The Whirlpool Corp., Benton Harbor, Mich. 49022. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 64820 (Sub-No. 9 TA), filed April 25, 1969. Applicant: PARADIS TRANSFER AND STORAGE CO., INC., 908 South Grape Street, Medford, Oreg. 97501. Applicant's representative: Robert R. Hollis, Commonwealth Building, Portland, Oreg. 97204. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, from points in Siskiyou County, Calif., to points in Pierce County, Wash., for 180 days. Supporting shipper: Blue Diamond Exploration Co., 233 Old Pacific Highways, Talent, Oreg. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 107515 (Sub-No. 654 TA), filed April 22, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salads and sandwich spreads*, in vehicles equipped with mechanical refrigeration, from Knoxville, Tenn., to points in Michigan, District of Columbia, Indiana, Virginia, West Virginia, Georgia, Ohio, Kentucky, Missouri, Alabama, Nebraska, Mississippi, Florida, Texas, Illinois, North Carolina, South Carolina, Kansas, New York, Delaware, Rhode Island, Pennsylvania, Louisiana, New Jersey, Arkansas, Minnesota, Oklahoma, Massachusetts, Wisconsin, and Connecticut, for 150 days. Supporting shipper: House of Thaller, Inc., Post Office Box 5453, 3012 Tazewell Pike, Knoxville, Tenn. 37918. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 109324 (Sub-No. 19 TA), filed April 18, 1969. Applicant: GARRISON MOTOR FREIGHT, INC., Post Office Box 969, Harrison, Ark. 72601. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Harrison, Ark., and Jasper, Ark., over Arkansas Highway 7, serving all intermediate points, for 180 days. NOTE: MC 109324 for tacking at Little Rock; Memphis; Springfield, Mo., for interline. Supporting shippers: Newton County Bank, Jasper, Ark.; I. H. Velflick, D.V.M., Post Office Box 613, Jasper, Ark.; Oldham's Store, Jasper, Ark.; Big View Gift Shop, Jasper, Ark.; Newton County Nursing Home and Hospital, Jasper, Ark.; Dogpatch U.S.A., Dogpatch, Ark.; Howard Norton, County Judge of Newton County, Ark., Jasper, Ark.; City of Jasper, Harry Johnson, Mayor, Jasper, Ark. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 113362 (Sub-No. 161 TA), filed April 25, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, mats, matting, or rugs*, from Marietta, Pa., to Davenport and Des Moines, Iowa, for 180 days. Supporting shipper: The Timmermann Cos.,

108 East Fourth Street, Des Moines, Iowa 50309. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 119245 (Sub-No. 3 TA), filed April 22, 1969. Applicant: E. J. PAULETTE, doing business as PAULETTS's DELIVERY SERVICE, 1155 Joseph Street, Shreveport, La. 71107. Applicant's representative: W. O. Crain, Jr., 17th Floor Beck Building, Shreveport, La. 71102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (cosmetics and toiletry products), from Shreveport, La., to points in the following Texas counties; Van Zandt, Henderson, Burleson, Walker, Brazos, Grimes, Anderson, Cherokee, Nacogdoches, Angelina, Limestone, Freestone, Leon, Falls, Houston, Milan, Robertson, Madison, Rains, Wood, Franklin, Camp, Upshur, Gregg, Red River Bowie, Titus, Morris, Cass, Rusk, Shelby, San Augustine, Sabine, Ellis, Panola, Marion, Harrison, Kaufman, Navarro, Fannin, Lamar, Hunt, Delta, Hopkins, and Smith, for 180 days. Supporting shipper: Avon Products, Inc., Eighty Third and College, Kansas City, Mo. 64141. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 123060 (Sub-No. 3 TA), filed April 24, 1969. Applicant: AIR LINE EXPRESS, INC., 1110 Hempstead Turnpike, Uniondale, N.Y. 11553. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk and commodities requiring special equipment), between John F. Kennedy Internationsl Airport and La Guardia Airport, N.Y.; Westchester County Airport, White Plains, N.Y.; McArthur Airport, Islip, N.Y.; Newark Municipal Airport, Newark, N.J., and McGuire Air Force Base, Wrightstown, N.Y., on the one hand, and, on the other, points in Westchester, Rockland, Dutchess, Orange, and Putnam Counties, N.Y., and points in Connecticut; restricted to shipments having an immediately prior or subsequent movement by air, for 150 days. Supporting shippers: There are approximately 23 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133520 (Sub-No. 1 TA), filed April 24, 1969. Applicant: ALBERT RODREGOUS, doing business as AL RODREGOUS ENTERPRISES, 1408 Hill Drive, Antioch, Calif. 94509. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel pipe and piping, steel pipe and asbestos cement pipe*, from Concord, Calif., to points in Clark County, Nev., for 150 days. Supporting Shipper: Jay Forni, Inc., 1887 Arnold Industrial Highway, Concord, Calif. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

MOTOR CARRIER OF PASSENGERS

No. MC 118896 (Sub-No. 3 TA), filed April 18, 1969. Applicant: ALBERT A. J. SMITH, doing business as EAGLE BUS LINE, Route 2, Box 34, Brewton, Ala. 36426. Applicant's representative: J. Douglas Harris, 410-412 Bell Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, their baggage, and newspapers* in same vehicle with passengers, (1) between Brewton, Ala., and the site of the plant of the Monsanto Corp., at or near Gonzalez, Fla., and/or the plantsite of St. Regis Paper Co., at or near Cantonment, Fla., serving all intermediate points, as follows: From Brewton over U.S. Highway 31 to Flomaton, and thence over U.S. Highway 29 to Gonzalez, and thence over Florida 292 to the Monsanto Corp., plantsite, and return over the same route, serving the plantsite, and return over the same route, serving the plantsite of the St. Regis Paper Co., at or near Cantonment, Fla., for 180 days. Application supported by: Attached to the application is a certificate signed by 21 prospective passengers which may be examined at the Commission's Office here or at the field office named below. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

By the Commission.

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

[F.R. Doc. 69-5353; Filed, May 2, 1969; 8:49 a.m.]

[Notice 338]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 30, 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-71111. By order of April 25, 1969, the Motor Carrier Board approved the transfer to Seegers Truck Line, Inc., Denver, Iowa, of Certificates Nos. MC-112048 and MC-112048 (Sub-No. 1) issued May 20, 1953 and August 1, 1955, to Fred C. Seegers, Denver, Iowa, authorizing the transportation of: Fertilizer and fertilizer ingredients, from Prairie du Chien, Wis., to specified points in Iowa. Don L. Hagemann, 114 First Street SE., Waverly, Iowa 50677, attorney for applicants.

No. MC-FC-71273. By order of April 28, 1969, the Motor Carrier Board approved the transfer to Fred H. Meyer, doing business as Meyer Truck Line, Alma, Kans., of certificates Nos. MC-77289 and MC-77289 (Sub-No. 1), issued February 13, 1941 and September 25, 1945, respectively, to Paul Palenske, Alma, Kans., authorizing the transportation of livestock, from Alma, Kans., and points and places within 10 miles of Alma, to Kansas City, Kans., and St. Joseph, and Kansas City, Mo., livestock, feed, agricultural machinery and parts, binder twine, building materials, iron and steel tanks, and petroleum products, in containers, from Kansas City, Kans., and Kansas City, Mo., to points in Kansas within 10 miles of Alma, Kans., including Alma, and feed from North Kansas City, Mo., to Alma, Kans. Bill Baldock, Alma, Kans. 66401, attorney for applicants.

No. MC-FC-71289. By order of April 28, 1969, the Motor Carrier Board approved the transfer to Belardi & Schneider, Inc., Rural Route 1, Box 1486, Juneau, Alaska 99801, of the certificate in No. MC-127119, issued February 8, 1966, to Rudolph E. Belardi and Charles J. Schneider, doing business as Belardi & Schneider Construction Co., Rural Route 1, Box 1486, Juneau, Alaska 99801, authorizing the transportation of commodities which because of size or weight require the use of special equipment, between points in Juneau, Alaska, and between Juneau, Alaska, on the one hand, and, on the other, points in a described area of Alaska, and mobile homes, in secondary movements, in truckaway service, between points in Juneau, Alaska, and between Juneau, Alaska, on the one hand, and, on the other, points in Greater Juneau Borough, Alaska.

No. MC-FC-71290. By order of April 28, 1969, the Motor Carrier Board approved the transfer to Martin R. Lane, Sr., doing business as Colchester Taxi, Colchester, Conn., of the certificate in No. MC-124138, issued July 3, 1962, to Santiago Saitta, doing business as Saitta's Taxi, Colchester, Conn., authorizing the transportation of passengers and their baggage, in special and/or charter operations, with certain restrictions, between Colchester, Conn., and New York, N.Y. Melvin Scott, 190 Broad Street, New London, Conn. 06320, attorney for applicants.

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

[F.R. Doc. 69-5354; Filed, May 2, 1969; 8:49 a.m.]

[Notice 338A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 30, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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-70766. By order of April 24, 1969, the Division 3, acting as an Appellate Division, approved the transfer to Mercury Transit Co., a corporation, 755 East Hackley Avenue, Muskegon Heights, Mich. 49440, of a portion of certificate No. MC-114070, issued September 23, 1958, to Wagoner Transportation Co., a corporation, 755 East Hackley Avenue, Muskegon Heights, Mich. 49440, authorizing the transportation of: Petroleum and petroleum products, in bulk, in tank vehicles, from Escanaba, Mich., to points in Wisconsin, and from Kewaunee, Wis., to points in the Upper Peninsula of Michigan.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-5355; Filed, May 2, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-45]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from March 7, 1969, to April 1, 1969 (Lists Nos. 9-69 and 10-69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR, Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

BUOYANT APPARATUS FOR MERCHANT VESSELS

Approval No. 160.010/25/1, 6.0' x 4.0' x 0.83' buoyant apparatus, wood decking with unicellular plastic foam core, 20-person capacity, dwg. No. G-490, revised January 26, 1959, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective March 21, 1969. (It is an extension of Approval No. 160.010/25/1, dated Apr. 23, 1964, and change of address of manufacturer.)

Approval No. 160.010/26/1, 4.5' x 2.71' x 0.83' buoyant apparatus, wood decking with unicellular plastic foam core, 12-person capacity, dwg. No. G-493, revised January 22, 1959, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective March 21, 1969. (It is an extension of Approval No. 160.010/26/1, dated Apr. 23, 1964, and change of address of manufacturer.)

Approval No. 160.010/28/1, 3.75' x 3.0' x 0.75' buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 11-person capacity, dwg. No. M-99-13, Alt. C, dated January 28, 1959, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 25, 1969. (It is an extension of Approval No. 160.010/28/1, dated May 1, 1964, and change of address of manufacturer.)

Approval No. 160.010/29/1, 6.0' x 4.0' x 0.75' buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 20-man capacity, dwg. No. M-99-14, Alt. D, dated January 22, 1959, and fabrication specification dated March 10, 1958, revised September 24, 1958, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 25, 1969. (It is an extension of Approval No. 160.010/29/1, dated May 1, 1964, and change of address of manufacturer.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/85/1, Type B-75 lifeboat winch, approval limited to mechanical components only, and for a maximum working load of 7,500 pounds pull at the drums (3,750 pounds per fall); identified by general arrangement drawing No. W-80412, Rev. C, dated March 13, 1968, and drawing list dated February 28, 1969, manufactured by Nashville Bridge Co., Post Office Box 239, Nashville, Tenn. 37202, for Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J. 08861, effective March 7, 1969. (It reinstates and supersedes Approval No. 160.015/85/0, terminated Feb. 16, 1967.)

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

Approval No. 160.026/27/2, container for emergency drinking water, Globe Equipment Corp., dwg. No. 1313, dated November 1, 1956, revised May 6, 1959, packed by Ash Jon Corp., 257 Water Street, Brooklyn, N.Y. 11201, for Globe Equipment Corp., 257 Water Street, Brooklyn, N.Y. 11201 (manufacturer), effective March 25, 1969. (It is an extension of Approval No. 160.026/27/2, dated May 1, 1964.)

LIFEFLOATS FOR MERCHANT VESSELS

Approval No. 160.027/48/1, 6.17' x 4.17' (11'' x 9'' body section) rectangular lifefloat, fibrous glass reinforced plastic shell with unicellular plastic foam core, 15-person capacity, dwg. No. M-99-15, Rev. B, dated January 22, 1959, and fabrication specification dated March 10, 1958, revised September 24, 1958, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 25, 1969. (It is an extension of Approval No. 160.027/48/1, dated May 27, 1964, and change of address of manufacturer.)

Approval No. 160.027/53/0, 5.0' x 3.83' (9'' x 9'' body section) rectangular life float, fibrous glass reinforced plastic shell with unicellular plastic foam core, 10-person capacity, dwg. No. M-99-16, Rev. A, dated January 22, 1959, and fabrication specification dated March 10, 1958, revised March 19, 1959, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 25, 1969. (It is an extension of Approval No. 160.027/53/0, dated May 27, 1964, and change of address of manufacturer.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/153/1, gravity davit, Type G65S-89; approved for a maximum working load of 13,000 pounds per set (6,500 pounds per arm) using 2-part falls; identified by general arrangement dwg. DE-4051, revision B dated March 27, 1968, and drawing list dated February 28, 1969, manufactured by Nashville Bridge Co., Post Office Box 239, Nashville, Tenn. 37202, for Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J. 08861, effective March 7, 1969. (It reinstates and supersedes Approval No. 160.032/153/0, terminated Oct. 25, 1966.)

LIFEBOATS FOR MERCHANT VESSELS

Approval No. 160.035/410/5, 30.0' x 10.0' x 4.33' fibrous glass reinforced plastic (FRP), hand-propelled lifeboat, 78-person capacity, identified by general arrangement dwg. No. P-30-1H, Revision L, dated December 2, 1968, manufactured

by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 25, 1969. (It supersedes Approval No. 160.035/410/4, dated Apr. 10, 1968, to show change in construction and address of manufacturer.)

Approval No. 160.035/443/3, 30.0' x 10.0' x 4.33' fibrous glass reinforced plastic (FRP) motor-propelled class 1 lifeboat, 74-person capacity, identified by general arrangement dwg. No. P-30-1M, Revision H, dated December 2, 1968, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 25, 1969. (It supersedes Approval No. 160.-035/443/2, dated Apr. 11, 1968, to show change in construction and address of manufacturer.)

SIGNALS, DISTRESS, HAND-HELD ROCKET-PROPELLED PARACHUTE RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.036/3/0, Model "ICARUS" hand-held rocket-propelled parachute red flare distress signal, general arrangement dwg. No. 6-1050-B, dated February 5, 1969, dwg. No. 6-5002-B, dated February 10, 1969, and dwg. No. 6-1020-C, dated October 21, 1968, manufactured by Smith and Wesson Pyrotechnics, Inc., Post Office Box 247, Jefferson, Ohio 44047, effective March 28, 1969.

KITS, FIRST-AID, FOR MERCHANT VESSELS

Approval No. 160.041/7/0, first-aid kit, Model No. H-24-A, Assembly dwg., dated March 20, 1959, manufactured by A. E. Halperin Co., Inc., 75-87 Northampton Street, Boston, Mass. 02118, effective March 21, 1969. (It is an extension of Approval No. 160.041/7/0, dated Apr. 23, 1964.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

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

Approval No. 160.048/145/0, group approval for rectangular and trapezoidal kopak buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Elvin Salow Co., 273-285 Congress Street, Boston, Mass. 02210, for Wallace Manufacturing Co., 273-285 Congress Street, Boston, Mass. 02210, effective April 1, 1969. (It reinstates Approval No. 160.048/145/0, terminated Mar. 12, 1969.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/56/0, 30-inch ring life buoy, fibrous glass wrapped unicellular plastic foam core, specification dated March 5, 1969, and Drawing No. 269, dated February 1, 1969, approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050, manufactured by Style-Crafters, Inc., Box 8277, Greenville, S.C. 29604, effective March 19, 1969.

Approval No. 160.050/57/0, 24-inch ring life buoy, fibrous glass wrapped unicellular plastic foam core, specification dated March 5, 1969, and Drawing No. 269, dated February 1, 1969, approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050, manufactured by Style-Crafters, Inc., Box 8277, Greenville, S.C. 29604, effective March 19, 1969.

Approval No. 160.050/58/0, 20-inch ring life buoy, fibrous glass wrapped unicellular plastic foam core, specification dated March 5, 1969, and Drawing No. 269, dated February 1, 1969, approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050, manufactured by Style-Crafters, Inc., Box 8277, Greenville, S.C. 29604, effective March 19, 1969.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

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

Approval No. 160.052/384/0, Type II, Model OSA, adult unicellular plastic foam buoyant vest, dwg. No. 160.052 Sheet 1 of 4, Rev. 1, dated June 24, 1963, and Sheet 2 of 4, Rev. 1, dated June 24, 1963, manufactured by Outdoor Supply Co., Inc., Post Office Box 11126, Durham, N.C. 27703, effective March 28, 1969.

Approval No. 160.052/385/0, Type II, Model OSM, child medium unicellular plastic foam buoyant vest, dwg. No. 160.052 Sheet 1 of 4, Rev. 1, dated June 24, 1963, and Sheet 3 of 4, Rev. 1, dated June 24, 1963, manufactured by Outdoor Supply Co., Inc., Post Office Box 11126, Durham, N.C. 27703, effective March 28, 1969.

Approval No. 160.052/386/0, Type II, Model OSS, child small unicellular plastic foam buoyant vest, dwg. No. 160.052 Sheet 1 of 4, Rev. 1, dated June 24, 1963, and Sheet 4 of 4, Rev. 1, dated June 24, 1963, manufactured by Outdoor Supply Co., Inc., Post Office Box 11126, Durham, N.C. 27703, effective March 28, 1969.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/92/0, Type IB, Model 63, adult cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, and dwg. No. 160.055-IB (Sheet 1 and 2), manufactured by West Products Corp., 236 South Street, Newark, N.J. 07093, effective March 21, 1969.

Approval No. 160.055/93/0, Type IB, Model 67, child clothcovered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, and dwg. No. 160.055-IB (Sheet 3 and 4), approved for use on all vessels and motorboats, manufactured by West Products Corporation, 236 South Street, Newark, N.J. 07093, effective March 21, 1969.

DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/38/0, Marbleloid, magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10230-12:FP2687 dated February 4, 1949, approved for use without other insulating material as meeting Class A-60 requirements in a 1½-inch thickness, manufactured by Marbleloid, Inc., 2040 88th Street, North Bergen, N.J. 07304, effective March 13, 1969. (It is an extension of Approval No. 164.006/38/0, dated Apr. 17, 1964.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/18/0, "J-M 85% Magnesia," magnesia block type incombustible material identical to that described in National Bureau of Standards letter File 10.2, dated December 6, 1948, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y. 10016 (plant: Johns-Manville Products Corp., Greenwood Avenue, Waukegan, Ill. 60085), effective March 13, 1969. (It is an extension of Approval No. 164.009/18/0, dated Apr. 17, 1964.)

Approval No. 164.009/79/0, "UNIBESTOS" fibrous, solid-type asbestos insulating material, identical to that described in Pittsburgh Corning Corp. letter, dated March 31, 1964, approved in densities of 14 to 19 pounds per cubic foot, manufactured by Pittsburgh Corning Corp., 1 Gateway Center, Pittsburgh, Pa. 15222 (plants: Tyler, Tex., and Port Allegany, Pa.), effective March 13, 1969. (It is an extension of Approval No. 164.009/79/0, dated Apr. 15, 1964.)

Approval No. 164.009/124/0, "Thermafiber" mineral wool panels identical to that described in National Bureau of Standards Test Report No. TG10230-27:FR3644, dated December 16, 1964, and U.S.C.G. letter, dated March 14, 1969, approved in densities of 4 through 8 pounds per cubic foot, manufactured by United States Gypsum Co., 101 South Wacker Drive, Chicago, Ill. 60606 (plant: South Plainfield, N.J.), effective March 14, 1969.

Dated: April 29, 1969.

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

[F.R. Doc. 69-5349; Filed, May 2, 1969; 8:49 a.m.]

[CGFR 69-43]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

Correction

In F.R. Doc. 69-5069, appearing at page 7044 in the issue for Tuesday, April 29, 1969, make the following changes:

1. In column 2 on page 7045, in the fifth line of the penultimate paragraph, the word "manufacturer" should read "manufactured".

2. In column 3 on page 7045, in the second line, "Mermatic" should read "Mermatec".

3. In column 1 on page 7046, make the following changes in the last paragraph:

a. In the seventh line, "EP2569" should read "FP2569".

b. In the 16th line, the reference to the year should read "1969".

c. In the 16th line the approval number should read "164.007/23/0".

Federal Aviation Administration

INTERNATIONAL FIELD OFFICE AT LIMA, PERU

Notice of Relocation

Notice is hereby given that on or about June 15, 1969, the International Field Office at Lima, Peru, will be relocated to Miami, Fla. Functions and geographical area of responsibility for this office remain unchanged. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Atlanta, Ga., on April 25, 1969.

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

[F.R. Doc. 69-5331; Filed, May 2, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-29]

RADIOLOGICAL SERVICE CO., INC.

Notice of Proposed Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission is considering the issuance of a license amendment, as set forth below, to the license held by Radiological Service Co., Inc. This amendment will provide for the following:

1. A change in the business address of the licensee from 35 Urban Avenue, Westbury, N.Y. 11590 to 50 Van Buren Avenue, Westwood, N.J. 07675.

2. A change in the license number from 31-1672-1 to 29-1672-1.

3. Establishment of a facility at 1300 Miller Road, Avon, Ohio 44011, for storage of packaged radioactive waste materials.

4. A change in the designation of those individuals who may conduct operations of the licensee.

This license, if amended as proposed, would provide for receipt and possession of packaged radioactive waste materials in any State of the United States except in Agreement States as defined in § 30.4(c), 10 CFR Part 30, storage of the packages at a facility located at 1300 Miller Road, Avon, Ohio, and disposal of the packaged wastes by transfer to authorized land burial sites. Under the license, Radiological Service Co., Inc., would not possess at any one time more than 750 curies of byproduct material except for tritium for which the possession limit is 5,000 curies, 12,500 pounds of source material, and 200 grams of special nuclear material.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by the issuance of this license amendment may file a petition for leave to intervene. Any requests for a hearing by the applicant and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing by the applicant or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details with respect to this proceeding see: (1) The application for license amendment and amendments thereto and (2) the related memorandum prepared by the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Materials Licensing.

Dated at Bethesda, Md., April 24, 1969.

For the Atomic Energy Commission.

JOHN A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 29-1672-1, Amdt. 20]

The Atomic Energy Commission having found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property;

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in 10 CFR Ch. I, and in such manner as to protect health and minimize danger to life or property;

C. The application for license amendment dated September 30, 1968, as amended November 6, 1968, and March 3, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and 10 CFR Ch. I, and is for a purpose authorized by that Act; and

D. The issuance of the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public,

License No. 31-1672-1 is redesignated as License No. 29-1672-1 and amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," and 10 CFR Part 70, "Special Nuclear Material," a license is hereby issued to Radiological Service Company, Inc., 50 Van Buren Avenue, Westwood, N.J. 08675, to receive and possess packages containing waste byproduct, source, and special nuclear material in any State of the United States except in "Agreement States" as defined in § 30.4(c), 10 CFR Part 30, to store the packages at a facility located at 1300 Miller Road, Avon, Ohio 44011, and to dispose of the packaged waste byproduct, source, and special nuclear material by transfer to authorized land burial sites.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation" and other applicable rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 750 curies of byproduct material other than hydrogen-3.

B. 5,000 curies of hydrogen-3.

C. 12,500 pounds of source material.

D. 200 grams of special nuclear material.

2. Except as specifically provided otherwise by this license, the licensee shall receive, possess, store, and dispose of byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application for license amendment dated September 30, 1968, as amended November 6, 1968, and March 3, 1969.

3. Activities authorized in this license shall be conducted by, or under the supervision of, Vernon L. Foley, Ellery K. Foley, or Peter J. Knapp.

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Department of Transportation and other agencies of the United States having jurisdiction.

When Department of Transportation regulations in 49 CFR Parts 173-179 are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Department of Transportation in §§ 173.389-173.399, 173.402, 173.414, 173.427, 49 CFR Part 173, "Shippers," and §§ 177.823, 177.842, 177.843, 177.861, 49 CFR Part 177, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exceptions to those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

5. The licensee shall store packages containing byproduct, source, and special nuclear material only at its facility located at 1300 Miller Road, Avon, Ohio.

6. The licensee shall not open packages containing byproduct, source, and special nuclear material.

7. The licensee shall store byproduct, source, and special nuclear material only in steel containers.

8. The licensee shall not possess any package containing radioactive waste for more than 6 months from the date of its receipt.

This license shall expire on November 30, 1972.

Date of issuance: April 24, 1969.

For the Atomic Energy Commission.

JOHN A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 69-5297; Filed, May 2, 1969; 8:45 a.m.]

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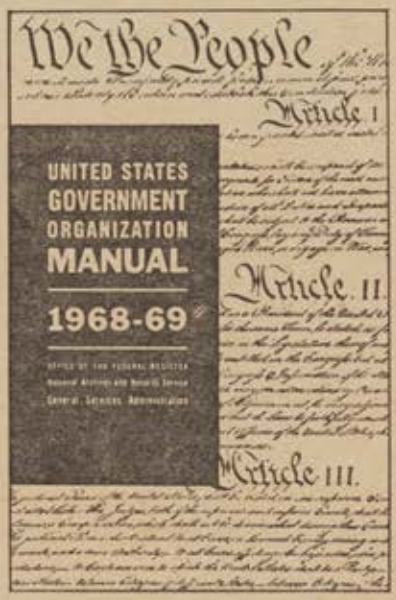

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