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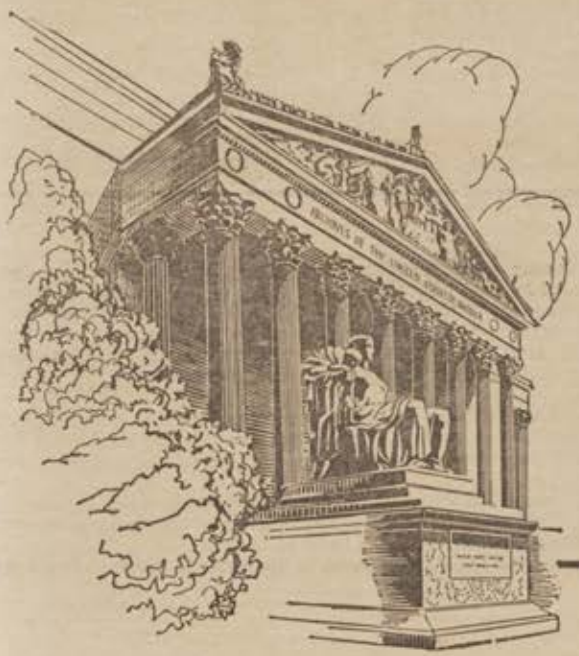

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List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Emergency Preparedness

Section 213.3326 is amended to show that the position of Deputy Director, Office of Liaison is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (f) of § 213.3326 as set out below.

§ 213.3326 Office of Emergency Preparedness.

* * * * *

(f) *Office of Liaison.* * * *

(2) Deputy Director.

* * * * *

(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. 69-5957; Filed, May 16, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SO-41]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Sarasota, Fla., control zone and transition area.

The Sarasota control zone is described in § 71.171 (34 F.R. 4557) and the Sarasota transition area is described in § 71.181 (34 F.R. 4637). In the descriptions, an arrival extension is predicated on the 299° radial of the Sarasota VOR. Since the final approach radial of AL 640-VOR-RWY 13 has been changed from the Sarasota VOR 299° radial to the 302° radial, it is necessary to alter the descriptions to reflect this change.

Since this amendment is minor in nature and does not require additional airspace, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 3, 1969, as hereinafter set forth.

1. In § 71.171 (34 F.R. 4557), the Sarasota, Fla., control zone is amended as follows: "* * * Sarasota VOR 299° radial * * *" is deleted and "* * * Sarasota VOR 302° radial * * *" is substituted therefor.

2. In § 71.181 (34 F.R. 4637), the Sarasota, Fla., transition area is amended as follows: "* * * Sarasota VOR 299° radial * * *" is deleted and "* * * Sarasota VOR 302° radial * * *" is substituted therefor.

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

Issued in East Point, Ga., on May 7, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-5867; Filed, May 16, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

USE OF ANTIBIOTICS IN ANIMALS

In the FEDERAL REGISTER of April 11, 1968 (33 F.R. 5627), the Commissioner of Food and Drugs proposed certain new food additive regulations for injectable certifiable antibiotic drugs intended for use in food-producing animals. Also proposed were certain amendments to the antibiotic drug regulations to provide that those substances which were not covered by existing or proposed food-additive regulations not be eligible for certification when intended for use in animals raised for food production.

The basis upon which such action was proposed is contained in the statement of policy § 3.25 *Antibiotics used in food-producing animals*, also published April 11, 1968 (33 F.R. 5616), which establishes that all such products are food additives and accordingly may be used only when provided for by an appropriate food additive regulation. Further, that antibiotic preparations, other than those for topical and ophthalmic use applications, in food-producing animals which are not covered by food additive regulations will be subject to regulatory action within 180 days after publication of the final order.

Aproximately 300 comments were received in response to the proposal. They have been evaluated and are summarized as follows:

1. A substantial number of comments requested that final action on the proposal be deferred to provide additional time during which new research might be carried out with a view toward obtaining the necessary data for the establishment of appropriate withdrawal periods. The Commissioner concludes that a considerable period of time has elapsed since an initial request for information was published as a policy statement requesting such data. A statement of policy, § 3.55, was published in the FEDERAL REGISTER of August 23, 1966 (31 F.R. 11141), requesting such information. It is felt that ample time has already been made available for the submission of such data.

2. A number of comments requested that action be delayed pending an evaluation of the hazard attendant to antibiotic residues in food by a "blue ribbon panel" of scientists. The basis for much of the consideration given to publication of the subject proposal is found in the report of the Committee on the Veterinary Medical and Nonmedical Uses of Antibiotics, which was submitted to the Commissioner in May 1966. Members of that committee included representatives of the medical, veterinary medical, and public health areas of concern. The implementation of the antibiotic proposal incorporates the conclusions of that committee. It is, therefore, concluded that the aims of such a panel have already been met and that no useful purpose would be served by another review by a committee.

3. Numerous requests suggested that where the data established that unusually long withdrawal periods are required or that data have not established adequate withdrawal periods, such products be made available only upon the prescription of a veterinarian. On the basis of information available to the Commissioner, it is not felt that placing products on a prescription basis is necessary at the present time.

4. Suggestions indicated the possibility of extending withdrawal periods for 30 days or more. It is concluded that periods of withdrawal in excess of 30 days are generally impractical under actual conditions of use for most drugs. The Commissioner, however, has concluded on the basis of data made available to him, in consideration of a proposal to obtain specific data with regard to the safety of residues which may persist with a 30-day withdrawal period, and with the view toward the establishment of safe tolerances for dihydrostreptomycin, that certain injectable forms of these antibiotics, alone or in combination with certain specified penicillins, may be permitted on an interim basis in the absence of a food additive regulation provided that the labeling for these products includes a warning that the use of the drug must be discontinued for 30 days before treated animals are slaughtered for food.

5. It was suggested that tolerances be established to provide that residues of

certain antibiotics be considered as safe when found in edible products of treated animals. The Administration will consider proposals for tolerances provided adequate data are submitted to establish that the presence of residues in the edible products from treated animals are safe for human consumption. To date no data have been submitted to provide a basis for such an action.

6. The largest number of comments received expressed opposition to the proposed actions but offered no alternative courses of action. A number of comments offered qualified support of the Administration's position and several extended their full support.

Therefore, the Commissioner finds on the basis of all the information available to him, that the proposal should be adopted as initially published with the exception that certain injectable streptomycin or dihydrostreptomycin preparations alone or in combination with specified penicillins for injection may be continued to be used, on an interim basis, where labeling provides that the drug is to be discontinued for 30 days prior to treated animals being slaughtered for food. The use of such products will also be permitted in milk-producing dairy animals provided that the labeling bears the necessary milk discard statement.

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

A. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart C four new sections, as follows:

§ 121.314 Sodium penicillin (penicillin sodium, penicillin sodium salt), calcium penicillin (penicillin calcium, penicillin calcium salt), crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt, crystalline penicillin potassium, crystalline penicillin potassium salt, crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt, crystalline penicillin O sodium, crystalline penicillin O sodium salt, crystalline penicillin O potassium, crystalline penicillin O potassium salt).

(a) Sodium penicillin (penicillin sodium, penicillin sodium salt), calcium penicillin (penicillin calcium, penicillin calcium salt), crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt, crystalline penicillin potassium, crystalline penicillin potassium salt, crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt, crystalline penicillin O sodium, crystalline penicillin O sodium salt, crystalline penicillin O potassium, crystalline penicillin O potassium salt) comply with the requirements of § 146a.24 of this chapter.

(b) Each such additive is used or intended for use in the treatment of food-producing animals, as follows:

(1) (i) As an intravenous or intramuscular injection in an amount not to exceed 2,000 units per pound of body weight per day.

(ii) The labeling shall bear the statement "Warning—The use of this drug must be discontinued for 5 days before treated animals are slaughtered for food."

(iii) If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for _____ hours (_____ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

(iv) If the drug is intended for use in poultry, the labeling shall bear a statement that the drug is not to be used in birds producing eggs for human consumption.

(2) (i) As an intramammary infusion injection in an amount not to exceed 100,000 units per dose.

(ii) Its labeling shall comply with the requirements prescribed in subparagraph (1) (iii) of this paragraph.

§ 121.315 Procaine penicillin for aqueous injection.

(a) Procaine penicillin for aqueous injection complies with the requirements of § 146a.47 of this chapter.

(b) It is used or intended for use in the treatment of food-producing animals, as follows:

(1) (i) As an intravenous or intramuscular injection in an amount not to exceed 2,000 units per pound of body weight per day.

(ii) The labeling shall bear the statement "Warning—The use of this drug must be discontinued for 5 days before treated animals are slaughtered for food."

(iii) If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for _____ hours (_____ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

(iv) If the drug is intended for use in poultry, the labeling shall bear a statement that the drug is not to be used in birds producing eggs for human consumption.

(2) (i) As an intramammary infusion injection in an amount not to exceed 100,000 units per dose.

(ii) Its labeling shall comply with the requirements prescribed in subparagraph (1) (iii) of this paragraph.

§ 121.316 Procaine penicillin and buffered crystalline penicillin for aqueous injection.

(a) Procaine penicillin and buffered crystalline penicillin for aqueous injection comply with the requirements of § 146a.50 of this chapter.

(b) Each such additive is used or intended for use in the treatment of food-producing animals, as follows:

(1) (i) As an intravenous or intramuscular injection in an amount not to exceed 2,000 units per pound of body weight per day.

(ii) The labeling shall bear the statement "Warning—The use of this drug must be discontinued for 5 days before treated animals are slaughtered for food."

(iii) If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for _____ hours (_____ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

(iv) If the drug is intended for use in poultry, the labeling shall bear a statement that the drug is not to be used in birds producing eggs for human consumption.

(2) (i) As an intramammary infusion injection in an amount not to exceed 100,000 units per dose.

(ii) Its labeling shall comply with the requirements prescribed in subparagraph (1) (iii) of this paragraph.

§ 121.317 *l*-Ephenamine penicillin G for aqueous injection.

(a) *l*-Ephenamine penicillin G for aqueous injection complies with the requirements of § 146a.66 of this chapter.

(b) It is used or intended for use in the treatment of food-producing animals, as follows:

(1) (i) As an intravenous or intramuscular injection in an amount not to exceed 2,000 units per pound of body weight per day.

(ii) The labeling shall bear the statement "Warning—The use of this drug must be discontinued for 5 days before treated animals are slaughtered for food."

(iii) If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for _____ hours (_____ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the

sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

(iv) If the drug is intended for use in poultry, the labeling shall bear a statement that the drug is not to be used in birds producing eggs for human consumption.

(2) (i) As an intramammary infusion injection in an amount not to exceed 100,000 units per dose.

(ii) Its labeling shall comply with the requirements prescribed in subparagraph (1) (iii) of this paragraph.

SUBCHAPTER C—DRUGS

B. Pursuant to the provisions of the Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 146a, 146b, 146c, 146d, and 146e of the antibiotic drug regulations are amended in the following respects:

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

1. By revising § 146a.19(c)(1)(iii) to read as follows:

§ 146a.19 Benzathine phenoxymethyl penicillin for aqueous injection veterinary.

* * * * *

(c) * * *

(1) * * *

(iii) The statement "Warning—Not for use in animals which are raised for food production."

* * * * *

2. By revising § 146a.24(c)(2) to read as follows:

§ 146a.24 Sodium penicillin (penicillin sodium, penicillin sodium salt), calcium penicillin (penicillin calcium, penicillin calcium salt), crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt, crystalline penicillin potassium, crystalline penicillin potassium salt, crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt, crystalline penicillin O sodium, crystalline penicillin O sodium salt, crystalline penicillin O potassium, crystalline penicillin O potassium salt).

* * * * *

(c) * * *

(2) *It is packaged for dipensing and it is intended solely for veterinary use.* (i) Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(ii) If it is intended for use in animals raised for food production, it shall be used in accordance with § 121.314 of this chapter.

* * * * *

3. By revising § 146a.25(c)(2) to read as follows:

§ 146a.25 Penicillin in oil and wax (calcium penicillin in oil and wax, crystalline penicillin in oil and wax).

* * * * *

(c) * * *

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* Its label and labeling shall comply with all requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

§ 146a.45 [Amended]

4. In § 146a.45 *Procaine penicillin G in oil:*

a. By deleting from the fifth sentence of paragraph (a) the words "or subcutaneous injection in fowl".

b. By deleting from the sixth sentence of paragraph (a) the words "or if packaged and labeled solely for subcutaneous injection in fowl, the procaine penicillin G used is exempt from the requirements of paragraph (a) (2) and (3) of that section".

c. By deleting from the first sentence of paragraph (b) the words "or subcutaneous injection in fowl".

d. By changing the comma after "laity" in paragraph (c)(2)(i) to a period and deleting the rest of the sentence.

e. By adding to paragraph (c)(2) a new subdivision (iii) reading as follows:

(iii) Each package shall bear on its label and labeling, unless it is intended for udder instillation in cattle, the statement "Warning—Not for use in animals which are raised for food production."

f. By deleting from paragraph (d)(2)(i) and (ii), respectively, the words "or subcutaneous injection in fowl".

5. By adding to § 146a.47(c)(2) a new subdivision, as follows:

§ 146a.47 Procaine penicillin for aqueous injection.

* * * * *

(c) * * *

(2) * * *

(iii) If it is intended for use in animals raised for food production, it shall be used in accordance with § 121.315 of this chapter.

* * * * *

6. By revising § 146a.65(c)(2) to read as follows:

§ 146a.65 *l*-Ephenamine penicillin G in oil.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

7. By revising § 146a.66(c)(2) to read as follows:

§ 146a.66 *l*-Ephenamine penicillin G for aqueous injection.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* (i) Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(ii) If it is intended for use in animals raised for food production, it shall be used in accordance with § 121.317 of this chapter.

* * * * *

8. By revising § 146a.75(c)(2) to read as follows:

§ 146a.75 Diethylaminoethyl ester penicillin G hydriodide for aqueous injection (penicillin G diethylaminoethyl ester hydriodide for aqueous injection).

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

9. By revising § 146a.77(c)(2) to read as follows:

§ 146a.77 Benzathine penicillin G for aqueous injection.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and

warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

10. By revising § 146a.80(c)(2) to read as follows:

§ 146a.80 **Chloroprocaine penicillin O for aqueous injection.**

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

11. By revising § 146a.84(c) to read as follows:

§ 146a.84 **Penicillin and dihydrostreptomycin-streptomycin sulfates veterinary; procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution veterinary.**

* * * * *

(c) *Labeling.* If it is a dry mixture it shall be labeled in accordance with the requirements prescribed by § 146a.58(c). If it is a suspension of the drug, it shall be labeled in accordance with the requirements prescribed by § 146a.67(c). If it contains benzathine penicillin G or chloroprocaine penicillin O, its label and labeling shall bear the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

12. By redesignating in § 146a.90 paragraphs (b) and (c) as (c) and (d), respectively, and by inserting a new paragraph (b), as follows:

§ 146a.90 **Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution; procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (procaine penicillin and benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary).**

* * * * *

(b) If it is intended for veterinary use, its label and labeling shall bear the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

13. By revising § 146b.101(c)(2) to read as follows:

§ 146b.101 **Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride (streptomycin calcium chloride complex).**

* * * * *

(c) * * *

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—The use of this drug must be discontinued for 30 days before treated animals are slaughtered for food." If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for _____ hours (_____ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

* * * * *

14. By revising § 146b.106(c)(2) to read as follows:

§ 146b.106 **Streptomycin sulfate solution; dihydrostreptomycin sulfate solution (crystalline dihydrostreptomycin sulfate solution).**

* * * * *

(c) * * *

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) (i)(*a*) and (ii) of this paragraph except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—The use of this drug must be discontinued for 30 days before treated animals are slaughtered for food." If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for _____ hours (_____ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

* * * * *

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

15. By revising § 146c.201(c)(2) to read as follows:

§ 146c.201 **Chlortetracycline hydrochloride (chlortetracycline hydrochloride salt).**

* * * * *

(c) * * *

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* Its label and labeling shall bear the statement "Warning—Not for use in animals which are raised for food production" and shall comply with all the requirements prescribed by subparagraph (1) of this paragraph; except, if it is not intended for intravenous use, in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity. If it is intended for intravenous use, the labeling shall conform to the requirements prescribed by § 1.106(c) of this chapter and to the requirements of subparagraph (1) (i) and (ii) of this paragraph.

* * * * *

16. By revising § 146c.221(c)(2) to read as follows:

§ 146c.221 **Tetracycline hydrochloride for intramuscular use; tetracycline phosphate complex for intramuscular use.**

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

17. By revising § 146d.301(c)(2) to read as follows:

§ 146d.301 **Chloramphenicol.**

* * * * *

(c) * * *

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except subdivisions (i)(*a*) and (ii); and in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," it shall be labeled in accordance

with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act), and bear on its label and labeling the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

18. By revising § 146d.307(c)(2) to read as follows:

§ 146d.307 Chloramphenicol solution; chloramphenicol for aqueous injection.

* * * * *

(c) * * *

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except subdivisions (i)(*a*) and (iii); and in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act) and bear on its label and labeling the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

19. By revising § 146e.401(c)(2) to read as follows:

§ 146e.401 Bacitracin.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* In addition to conforming with the requirements prescribed by subparagraph (1) (i), (ii), and (iii) of this paragraph and with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act), its label and labeling shall bear the statement "Warning—Not for use in animals which are raised for food production."

* * * * *

Any person who will be adversely affected by the portion of this order (amendment A) promulgated under section 409(d) of the Act may at any time within 30 days from the date of publication of this order 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 ground.. 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 30 days after its publication in the FEDERAL REGISTER. Where applicable, antibiotic preparations which are not covered by food additive regulations will be subject to regulatory action 180 days after publication of this order in the FEDERAL REGISTER.

(Secs. 409(d), 507, 59 Stat. 463, as amended, 72 Stat. 1787; 21 U.S.C. 348(d), 357)

Dated: May 12, 1969.

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

[F.R. Doc. 69-5861; Filed, May 16, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-12—LABOR

Subpart 9-12.8—Equal Opportunity in Employment

MISCELLANEOUS AMENDMENTS

The following sections are added to Subpart 9-12.8:

§ 9-12.805-51 Preaward contract actions—nonexempt contracts.

(a) *Formally advertised supply contracts.* Before the award of a formally advertised nonexempt contract of $1 million or more, the contracting officer shall determine by means of a preaward compliance review, as outlined in FPR 1-12.805-5(d), that the prospective contractor and each of his known first-tier subcontractors who will be awarded subcontracts of $1 million or more, are able to comply with the Equal Opportunity clause.

(b) *Other formally advertised or negotiated prime contracts.* (1) The procedures set forth in FPR 1-12.805-1(d) regarding the award of contracts shall be followed in all prime contracts for $500,000 or more.

(2) In prime contracts for less than $500,000, the procedures set forth in FPR 1-12.805-1(d) regarding the award of contracts may be applied at the discretion of the contracting officer.

(c) *Cost-type contractor procurements.* (1) Prior to approval of procurement transactions under cost-type contracts involving the operation, maintenance, servicing, management, or construction of AEC facilities (including research and development facilities), contracting officers shall:

(i) Comply with the procedures in FPR 1-12.805-5(d) with respect to any procurement of supplies of $1 million or more awarded under a competitive bid and award procedure.

(ii) Comply with the procedures in (FPR 1-12.805-1(d) with respect to all procurement actions of $500,000 or more.

(2) The extent to which the procedures in FPR 1-12.805-1(d) apply with respect to procurement actions under $500,000 shall be determined by contracting officers.

(d) *Preaward affirmative action requirements for construction work to be performed under AEC prime contracts and under subcontracts awarded by cost-type contractors.* In addition to the provisions of paragraphs (b) and (c) of this section and of FPR 1-12.810 (affirmative action compliance programs):

(1) Where the Director, OFCC, has designated specific contract construction affirmative action requirements for a particular labor area, the Invitation for Bids (IFB) or Request for Proposals (RFP) for construction work in such area shall include the specific affirmative action requirements established by OFCC and such additional requirements as the contracting officer determines necessary.

(2) Contracting officers are authorized with respect to construction work not covered by subparagraph (1) of this paragraph to include in the IFB's or RFP's for such work specific affirmative action requirements.

(3) Failure by a bidder to establish his ability to meet the affirmative action requirements included in an IFB or RFP constitutes grounds for determination that the bidder does not qualify as a responsible bidder, and for rejection of his bid. In the case of procurement actions by AEC prime cost-type contractors, this determination shall be made only with the approval of the contracting officer.

(e) *Available information.* "Available information" as used in FPR 1-12.805-1(d)(2) includes either a compliance review report (no older than 1 year) prepared by the AEC or another agency (when the AEC is not the compliance agency); or sufficient statistical information and other information (relevant to the contractor's or subcontractor's EEO compliance, and no older than 1 year) to permit a valid EEO evaluation. When the AEC is not the compliance agency, the agency which is the compliance agency shall be requested to furnish a compliance report.

§ 9-12.810-50 Affirmative action compliance programs.

As used in FPR 1-12.810,

(a) The term "employee" means any individual on the payroll of an employer who is an employee for purposes of the employer's withholding of Social Security taxes, except that such term shall not include persons who are hired on a casual or temporary basis for a specified period of time or for the duration of a specified job; and

(b) The term "establishment" means an economic unit which produces goods or services such as a factory, office, store, or mine and, in most instances, the establishment is at a single physical location and is engaged in one, or predominantly one, type of economic activity.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. The effective date of FPR 1-12.805-1 as implemented by AECPR 9-12.805-51 is not later than April 1, 1969, for applicable AEC direct procurements and contract actions initiated after that date, and not later than May 1, 1969, for all applicable contractor procurement transactions initiated after that date.

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

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 69-5859; Filed, May 16, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

Subpart—Limitation on CAA Administrative Costs

Chapter X, Part 1068 of Title 45 of the Code of Federal Regulations is amended by adding a new subpart, reading as follows:

Sec.
1068.3-1 Applicability of this subpart.
1068.3-2 Definitions.
1068.3-3 Policy.
1068.3-4 Requirement for two reports during each program year.
1068.3-5 Reporting procedures.
1068.3-6 Source of data.
1068.3-7 Program period to be covered.
1068.3-8 Maintenance of records.
1068.3-9 Excessive administrative costs.
1068.3-10 Availability of forms and instruction.

AUTHORITY: The provisions of this subpart issued under sec. 244(7), 81 Stat. 708; 42 U.S.C. 2836.

§ 1068.3-1 Applicability of this subpart.

This subpart applies to all Community Action Agencies that receive financial assistance under title II of the Economic Opportunity Act.

§ 1068.3-2 Definitions.

(a) *Title II programs.* Programs that a Community Action Agency has been authorized to conduct or direct under title II of the Economic Opportunity Act. This includes programs authorized under sections 221, 222, 230, 231, 233, or 232 of the Act.

(b) *Programs assisted with title II funds.* All programs funded from sources other than title II of the EOA including titles I and III of the EOA, other Federal agencies, State or local governments, and private agencies, if the programs meet all the following criteria:

(1) The program is administered by a CAA, a delegate agency of the CAA, or by an agency in which the CAA has a role in determining policy and program direction.

(2) The CAA contributes developmental or administrative services to the program resulting in an expenditure of title II funds, or requiring the services of personnel employed under a title II program, or the use of facilities leased or obtained under a title II program.

(3) The program is designed to serve beneficiaries in the CAA's target population.

(4) The program is directed toward and consistent with the general objectives of mobilizing and coordinating community resources against the causes and effects of poverty; in other words, it can be considered an integral part of the community's antipoverty effort.

(c) *Program accounts.* The identifiable program units by which the CAA's and CAP describe and administer the total range of CAP programs. The system is explained and the program accounts defined in OEO Instruction 6100-1, "Program Account Structure," dated June 21, 1968.[1]

(d) *Expenditures.* Expenditures, for the purpose of preparing the Administrative Costs Report, are considered to be:

(1) All allowable disbursements (Federal and non-Federal, OEO and non-OEO) chargeable to any title II program and any program assisted with title II funds, plus

(2) The recorded dollar value of all unpaid invoices for material received and services rendered through the last date of the reporting period for these programs.

In addition, all volunteered services and in-kind materials used in the CAA's operations during the period covered by the report are considered to be expenditures in the month utilized. "Costs" and "expenditures" are considered to have the same definition for the purpose of preparing the Administrative Costs Report.

(e) *Trainee.* Any CAA employee or beneficiary who participates in training courses conducted either by or under the auspices of a CAA. In the case of employees, it includes only those who fall within the poverty income classification or who come within the poverty income classification immediately prior to employment, and who are receiving training as part of a program to increase their employability.

(f) *Administrative costs.* Administrative costs include all allowable expenditures incurred to develop and administer title II programs and all programs assisted with title II funds, if the expenditures cannot be directly allocated to an operating program or are not otherwise expressly excluded by this subpart. In particular, administrative costs include all expenditures charged to program accounts 01, 02, 03, 04, and 87 and any expenditures of funds received from title I or non-OEO sources that are clearly identified as administrative costs. However, the following expenditures are excluded from administrative costs even though incurred in programs funded under Program Accounts 01, 02, 03, 04, and 87:

NOTE: For purposes of completing the summary CAP Form 15d, these expenditures are not excluded from administrative costs.

(1) The personnel costs that are allocable to specific operating programs or to OEO program accounts other than 01, 02, 03, 04, and 87.

(2) Payments to any trainees, including salaries, stipends, and employer's share of fringe benefits;

(3) Salary payments to employees who fall within the poverty income classification. Also exclude salary payments to employees who fell within the poverty income classification immediately prior to their employment by the CAA, but only until the end of the first program year in which the employees were hired. These payments include the employer's share of fringe benefits.

(g) *Total costs.* All expenditures incurred in developing, administering, and operating title II programs and programs assisted with title II funds, whether the costs are met with OEO or none-OEO funds. Total costs include administrative costs as defined in paragraph (f) of this section, as well as payments to trainees and to employees formerly within the OEO poverty guidelines.

(h) *Administrative Costs Ratio.* The percentage obtained by dividing the total costs into the administrative costs. It should be noted that the definition of administrative cost and total costs requires that expenditures for all title II programs and for all programs assisted with title II funds (including those met with funds from agencies other than OEO) be included in each.

(i) *Operating programs.* Programs administered by a CAA that provide direct benefits to program participants or beneficiaries. For programs funded by OEO, it includes all programs under program accounts other than 01, 02, 03, 04, and 87. For programs funded from other sources, it includes all programs that are not primarily related to the development, planning, administration, or evaluation of the CAA.

§ 1068.3-3 Policy.

(a) Section 244(7) of the Economic Opportunity Act states that no funds may be provided to any Community Action Agency if its cost to develop and administer programs funded under title II or assisted with title II funds exceeds 15 percent of the total costs of these programs. The Director may require CAAs, as a condition to providing funds under title II of the Act, to take specific actions to reduce their administrative costs and improve their operational effectiveness.

(b) The Director may grant a waiver of this requirement for periods of 6 months when the initial planning and developing of programs for a new or reorganized CAA has resulted in unusually high costs for these purposes during a program year or an on-going CAA has incurred unusually high planning cost

[1] Not filed with the Office of the Federal Register.

in relation to the total cost of their programs in a program year and the benefits to be realized from such planning can be reasonably expected to extend over additional program years.

(c) CAAs must include all program costs, whether met with Federal or non-Federal funds (cash or in-kind contributions), in determining their administrative expenses except for the following:

(1) All costs incurred to conduct a specific operating program, such as Head Start or Legal Services, whether funded on a program account or component basis.

(2) Payments to trainees.

(3) Salary payments to employees whose incomes are within the OEO poverty guidelines. Also, salary payments to employees whose incomes were within the OEO poverty guidelines immediately prior to being employed, but only until the end of the first program year in which the employees were hired.

§ 1068.3–4 Requirement for two reports during each program year.

(a) CAA's must determine their administrative expenses, using the procedures and formats in this subpart, and submit Administrative Costs Reports to OEO twice during each program year, as follows:

(1) A report of the administrative costs incurred in the first 6 months of the program year will be submitted on CAP Form 15d, "Administrative Costs Report," when the Grantee Monthly Financial Report (CAP Form 15) for the basic CAA grant containing Program Account 01 is submitted for the sixth month of the program year.

NOTE: A CAA with a program year longer than 12 months should submit its initial CAP Form 15d 6 months prior to the end of its program year.

(2) A report of the administrative costs incurred during the entire program year will be submitted on CAP Form 15d when the final Grantee Monthly Financial Report for the basic CAA grant containing Program Account 01 is submitted for the program year. The final Grantee Monthly Financial Report shows all expenditures incurred for the program year and is due within 90 days after the end of the program year.

(b) In order to provide time for CAAs to analyze and, if necessary, allocate their administrative costs, no reports will be required until the CAP Form 15 reports are due for the month of September 1969. That is, a CAA whose sixth or 12th month of its program year ends on August 31, 1969, must submit a CAP Form 15d with its sixth-month CAP Form 15 report or with its final CAP Form 15 report for the program year, as applicable. Thereafter, the schedule described in paragraph (a) of this section will be followed.

(c) One copy of the Administrative Costs Report should be attached to each copy of the monthly financial report for the basic CAA grant containing Program Account 01 for the appropriate reporting period and submitted to the OEO address shown in paragraph H of Community Action Memo 44–A, "Grantee Monthly Financial Report," dated April 1, 1968.[1]

§ 1068.3–5 Reporting procedures.

(a) *Forms.* The following forms are to be used in reporting administrative costs:

(1) The Administrative Costs Report (CAP Form 15d) to be submitted to OEO with all six month and final Grantee Monthly Financial Reports. The data for this report may or may not be supported by CAP Form 15e, depending on the result of computations made in accordance with paragraph (b) of this section.

(2) Personnel Work Sheet (CAP Form 15e) provides a detailed format for allocating personnel costs to program accounts or equivalent nontitle II programs. It is prepared only if summary CAP Form 15d shows administrative costs to be in excess of 15 percent.

(b) *Procedure.* The reporting procedure is as follows:

(1) Prepare a summary CAP Form 15d. Include all nontitle II expenditures (non-OEO, titles I and III) and all title II expenditures during the reporting period and compute an Administrative Cost Ratio for the CAA as a whole.

(2) If the ratio is 15 percent or less, no further review of administrative costs is required, and the summary form should be submitted to OEO with the appropriate CAP Form 15 report.

(3) If the percentage computed in subparagraph (1) of this paragraph is over 15 percent, a further analysis of the administrative personnel costs must be made and reported. This analysis must also include a review of the CAA's programs to identify and exclude the nonadministrative costs described in § 1068.3–3(c) (2) and (3).

§ 1068.3–6 Source of data.

All expenditure data on the Administrative Cost Report must be taken from the grantee's books of account. Expenditures of OEO funded programs conducted by the CAA must agree in total with those for the same period reported on the CAP Forms 15 and 15a. Expenditures for other programs assisted with title II funds must agree in total with the expenditures reported by the CAA to the agency funding these programs during the report period.

§ 1068.3–7 Program period to be reported.

The Administrative Cost Report will be based on the expenditures incurred during the CAA's program year for its basic title II programs. Expenditures included in the report for other programs assisted with title II funds will be for the same period of time as the program year. This means that expenditures for these programs will be reported only for the appropriate months falling within the CAA's specific grant program year.

[1] Not filed with the Office of the Federal Register.

§ 1068.3–8 Maintenance of records.

(a) CAA's must retain a copy of each report required by this subpart as part of their permanent financial records. They must also retain completed copies of supporting work sheets (summary CAP Form 15d and CAP Form 15e) with each report, if these supporting forms are completed.

(b) If personnel costs are allocated among different programs in accordance with § 1068.3–5(b)(3), a written explanation must be maintained to explain the basis for classifying and allocating these costs. The explanation should also include the basis for excluding payments to trainees and poverty level employees from administrative costs. In common with other financial records, these reports must be available for examination by OEO authorized auditors, inspectors, evaluation teams, and analysts and by authorized representatives of the U.S. General Accounting Office.

§ 1068.3–9 Excessive administrative costs.

(a) If, after completing the analysis of administrative costs in accordance with § 1068.3–5(b)(3), the administrative costs ratio exceeds 15 percent, the CAA must submit a statement with the report explaining the reasons for the excessive rate, together with a plan of corrective action and target date for reducing the administrative costs ratio to an acceptable level. With the 6 months report, the statement should consider both the current and projected rates, for they may have a downward or upward trend during a program year.

(b) This information should be submitted to the OEO granting office that awarded the basic CAA grant containing Program Account 01. At that time, a determination will be made as to what further computations or corrective measures are appropriate and whether a request for waiver of the 15 percent limitation should be made. The Director of the Community Action Program (for Headquarters grants) and Regional Directors (for Regional grants) or their designees will determine whether waivers should be granted based upon the criteria in this subpart and such other criteria as may have been prescribed.

(c) If a CAA with excessive administrative costs has received and is operating under a written waiver from OEO, it should submit a copy of the waiver with the report and a statement explaining the actions taken and progress made in reducing the administrative costs ratio to an acceptable level.

§ 1068.3–10 Availability of forms and instructions.

OEO has prepared two forms, the Administrative Costs Report (CAP Form 15d) and the Personnel Work Sheet (CAP Form 15e) for use in complying with this subpart. OEO has also prepared detailed instructions for completing these forms, including standards for allocating personnel costs in accordance with § 1068.3–5(b)(3). Copies of

these forms and instructions may be obtained from the CAP Program Management Division, OEO Headquarters Office, 1200 19th Street NW., Washington, D.C., and from any OEO Regional Office.

Effective date. This subpart shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.

[F.R. Doc. 69-5857; Filed, May 16, 1969; 8:45 a.m.]

PART 1070—COMMUNITY ACTION PROGRAM GRANTEE OPERATIONS

Subpart—Acquisition and Use of Excess Government Property

Chapter X, Part 1070 of Title 45 of the Code of Federal Regulations is amended by adding a new subpart reading as follows:

Sec.
1070.3-1 Applicability of this subpart.
1070.3-2 Policy.
1070.3-3 Supplement to existing procedure.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1070.3-1 Applicability of this subpart.

This subpart applies to grantees receiving financial assistance under titles I-B, I-D, II, and III-B of the Economic Opportunity Act of 1964, as amended, when the assistance is administered by OEO.

§ 1070.3-2 Policy.

(a) Community Action Program grantees are authorized to acquire excess Federal property in order to carry out their operations of approved CAP programs and to increase the utility of grant funds. This authority may not be used by grantees to acquire excess property that is not required for the current operation of approved programs. In addition, excess property that is no longer needed for use in such programs must be reported to the OEO Regional or Headquarters Property Administrator for instructions concerning disposition. Grantees must give the same careful consideration to the acquisition and retention of excess Federal property that they give to the acquisition and use of commercially-purchased property.

(b) Under no circumstances may excess Federal property be "stockpiled" by grantees on the basis of anticipated future needs, nor may excess Federal property no longer needed in an approved program be stored or disposed of other than in accordance with instructions of OEO Property Administrators.

§ 1070.3-3 Supplement to existing procedure.

The procedure grantees must follow to acquire excess Federal property, as outlined in Chapter III, section B(2) of CAP Grantee Financial Policy and Procedures Guide Vol. V: Property and Supply Management,[1] is supplemented by the following:

(a) All requisitions to acquire excess property (SF-122, "Transfer Order, Excess Personal Property") submitted to Regional and Headquarters Property Administrators must contain a certification, signed by an authorized official of the grantee, that the property to be acquired is either to be used in lieu of property that could have been properly purchased with grant funds under the terms of an OEO grant to the grantee, or to be acquired pursuant to a term or condition of an OEO grant specifically allowing the acquisition of such items of excess property.

(b) If grantees wish to acquire excess property other than that covered by paragraph (a) of this section, they must obtain specific written approval prior to the acquisition from the appropriate Regional or Headquarters granting office. Approval will only be granted for the acquisition of property to be used in carrying out an approved program under the terms of an OEO grant to the grantee. A copy of the approval document must be attached to the SF-122 submitted to the Regional or Headquarters Property Administrator.

Effective date. This subpart shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.

[F.R. Doc. 69-5858; Filed, May 16, 1969; 8:45 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

Two notices of proposed rule making were published (Mar. 14, 1969, 34 F.R. 5258, and Mar. 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, Calif., 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.

[1] Not filed with the Office of the Federal Register.

An amendment to § 280.6(c) was adopted on May 3, 1969 (34 F.R. 7281), which made exceptions to the allowable 15 percent incidental catch of yellowfin tuna allowed during the closed season for fishing vessels of 300 short tons capacity and less. This is further amended to allow all bait boats to take yellowfin up to 50 percent of the vessels carrying capacity or 130 short tons, whichever is the lesser amount.

The proposed amendments of March 14, 1969 (34 F.R. 5258), did not receive general approval of the participating public who stated they realized the problems involved but felt that the proposed amendments would be unduly restrictive to developing new fishing areas outside the regulatory area.

Therefore a new paragraph (e) of § 280.6, which does not inhibit the development of new fishing areas but requires reporting when leaving and returning to the regulatory area, is adopted. In addition a new § 280.7 (the former § 280.7 is redesignated 280.8 and all subsequent sections are redesignated accordingly) is adopted so that the Director may take emergency action as was proposed in 34 F.R. 5258, if the provisions relating to fishing outside the regulatory area, are in his opinion, inadequate to insure the recommendations of the Commission are implemented.

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

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 May 14, 1969.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

Sec.
280.1 Definitions.
280.2 Basis and purpose.
280.3 Catch limit.
280.4 Open season.
280.5 Closed season.
280.6 Restrictions applicable to fishing vessels.
280.7 Emergency action by Director.
280.8 Restrictions applicable to cargo vessels.
280.9 Restrictions applicable to purchasers.
280.10 Reports and recordkeeping.
280.11 Persons and vessels exempted.
280.12 Fish and Wildlife Service employees designated as enforcement agents.
280.13 State Officers designated as enforcement agents.

AUTHORITY: The provisions of this Part 280 issued under 64 Stat. 777, as amended, 16 U.S.C. 951.

§ 280.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zones.

(b) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United

States of America and the Republic of Costa Rica (1 U.S.T. 230).

(c) *Commission.* The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) *Director of Investigations.* The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, Calif.

(e) *Bureau Director.* The Director of the Bureau of Commercial Fisheries, Fish and Wildlife Service, U.S. Department of the Interior.

(f) *Regional Director.* The Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, 300 South Ferry Street, Terminal Island, Calif., telephone number, area code 213, 831–9281, Extension 575.

(g) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 20° north latitude; thence due east to the meridian of 120° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south latitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south latitude intersects the coast.

(h) *Yellowfin tuna.* Any fish of the species *Thunnus albacares* (synonym: *Neothunnus macropterus*).

(i) *Other tuna fishes.* Those species (and none other) of the family Scombridae which are known as:

(1) Albacore—*Thunnus alalunga* (synonymy: *Thunnus germo*).

(2) Bigeye—*Thunnus obesus* (synonymy: *Parathunnus sibi*).

(3) Bluefin—*Thunnus thynnus* (synonymy: *Thunnus saliens*).

(4) Skipjack—*Euthynnus pelamis* (synonymy: *Katsuwonus pelamis*).

(j) *Fishing vessel.* Every kind, type, or description of watercraft subject to the jurisdiction of the United States (other than purse seine skiffs) used in or outfitted for catching or processing fish or transporting its catch of fish from fishing grounds.

(k) *Cargo vessel.* Every kind, type, or description of watercraft which is not employed in fishing but which is engaged in whole or in part in the transportation of fish or fish products.

(l) *Person.* Individual, association, corporation, or partnership subject to the jurisdiction of the United States.

(m) *Open season.* The time during which yellowfin tuna may lawfully be captured and taken on board a fishing vessel in the regulatory area without limitation on the quantity permitted to be retained during each fishing voyage. Unless otherwise specified, whenever time is stated in hours it shall be construed to refer to local time in the area affected.

(n) *Closed season.* The time during which yellowfin tuna may not be taken or retained on board a fishing vessel in quantities exceeding the amounts permitted to be taken and retained as an incident to fishing for species with which yellowfin tuna may be mingled, as defined in § 280.2(b)(3).

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, Calif., on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At each annual meeting held since 1962, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of not more than fifteen percent (15%) by weight of yellowfin tuna, when landed with one or more of the following fishes, usually caught mingled with yellowfin tuna, that are taken on a fishing trip begun after the close of the yellowfin tuna fishing season: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, the billfishes, and the sharks; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) The regulations in this part are designed to implement the Commission's recommendations for the conservation of yellowfin tuna so far as they affect vessels and persons subject to the jurisdiction of the United States.

§ 280.3 Catch limit.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of the Interior of the recommended catch limit, announcement of the catch limit thus established shall be made by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER. The Bureau Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

§ 280.4 Open season.

The open season for yellowfin tuna fishing shall begin annually at 0001 hours of the 1st day of January and terminate at a time and date to be determined and announced as provided in § 280.5.

§ 280.5 Closed season.

Pursuant to authority granted by the Commission, the Director of Investigations maintains records of the catches of yellowfin tuna made in the regulatory area from time to time during the open season by the fishing vessels of all nations participating in the fishery. By taking into account the cumulative round weight of such yellowfin tuna catches and the estimated additional quantities of yellowfin tuna expected to be caught by the fishing vessels of all nations operating in the regulatory area, the Director of Investigations will determine the date on which he deems that the yellowfin fishing season should close and will promptly notify the Bureau Director of such date. The Bureau Director shall announce the season closure date thus established by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined has been affected by changed circumstances, he may substitute another date which shall be announced by the Bureau Director in like manner as provided for the date originally determined.

§ 280.6 Restrictions applicable to fishing vessels.

(a) Except as provided in paragraphs (b), (c), and (e) of this section, after the date determined and announced in the manner provided in § 280.5 for the closing of the yellowfin tuna fishing season, it shall be unlawful for any master or other person in charge of a fishing vessel to possess yellowfin tuna on board such vessel or to land yellowfin tuna in any port or place until the yellowfin tuna fishing season reopens on January 1 next following the close of the season.

(b) Any master or other person in charge of a fishing vessel which has departed port to engage in tuna fishing

prior to the date of the closure of the yellowfin fishing season may continue to take and retain yellowfin tuna without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of tuna taken during such voyage. For the purposes of this subsection, the date of departure from port refers to the date on which the fishing vessel departs from a port to proceed directly to the fishing grounds outfitted, supplied, fueled, provisioned, and manned by officers and crew in the manner and to the extent usually required to carry out fishing operations, by means of such vessel: *Provided*, That a stopover at a single intermediate port, not exceeding 48 hours, is permitted for the specific purpose of meeting any deficiencies in such outfitting, supplying, fueling, provisioning, or manning needs of the vessel for a fishing voyage. A stay in an intermediate port in excess of 48 hours shall constitute a new date of departure from port coinciding with the date of the delayed departure from the intermediate port.

(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 United States 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) Purse seiners 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 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 in short tons or 130 short tons, whichever is the lesser amount: *Provided*, That when the catch of yellowfin tuna by bait boats 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 § 280.6(c) managing owners of bait boats 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.

(d) The limitation on the quantity of incidentally caught yellowfin tuna specified in paragraph (c) of this section shall be applicable to any fishing vessel irrespective of its arrival in port prior or subsequent to December 31 in every case where the catch of tuna has been made during a fishing voyage begun in the closed season.

(e) On voyages begun after the closure of the yellowfin tuna season, vessels which fish all or part of their voyage outside the regulatory area but in the Pacific Ocean shall:

(1) Report to the Regional Director by prepaid commercial radio message (either radiogram or ship-to-shore radiophone) within 24 hours before departing the regulatory area and within 24 hours before returning to the regulatory area. Such reports may be relayed to the Regional Director by the managing owner or his representative ashore.

(i) On departure from the regulatory area the radio message shall include the latitude of departure from the regulatory area, approximate time of departure, and the amount of yellowfin and the amount of other fish with which an incidental catch of yellowfin tuna may be made, which are aboard the vessel.

(ii) On returning to the regulatory area the radio message shall include the catch of yellowfin tuna and the catch of other species made on that trip outside the regulatory area.

(2) Any vessel which fishes outside of the regulatory area all or part of a voyage but fails to file the reports required in this section shall be restricted to the incidental catch limit of fifteen percent (15%) yellowfin for the entire fishing voyage.

§ 280.7 Emergency action by Director.

(a) If in light of developments during the closed season for yellowfin tuna the Director finds that the provisions relating to fishing outside the regulatory area are inadequate to insure that the recommendations of the Commission are implemented, he shall announce by appropriate notice in the FEDERAL REGISTER such determination and immediately thereafter:

(1) Every vessel at sea, which has yellowfin tuna aboard in excess of the fifteen percent (15%) allowable incidental catch, which were taken or are claimed to have been taken outside the regulatory area in the Pacific Ocean shall immediately return to its home port or port of departure to unload or to have its catch aboard certified by any Fish and Wildlife Service or State employee designated as an enforcement officer. Any vessel failing to return immediately to home port or port of departure for the purpose stated shall be permitted to land an amount of yellowfin not to exceed fifteen percent (15%) of its total catch.

(2) Fishing vessels which have fished at any time during the calendar year in the regulatory area and which depart port on a fishing voyage after the notice of the Director as described in this section and fish within the Pacific Ocean shall land only the allowable incidental catch as described in § 280.6(c).

§ 280.8 Restrictions applicable to cargo vessels.

(a) A fishing vessel shall be deemed to have completed a fishing voyage whenever the whole or any part of its catch of tuna from the regulatory area shall be transferred to a cargo vessel in conformity with the requirements of this section.

(b) In keeping with the provisions of section 251, title 46, United States Code, no foreign-flag vessel, whether documented as a cargo vessel or otherwise, is permitted to land in a port of the United States any tuna fish or tuna fish products taken on board such vessel on the high seas.

(c) The transfer of tuna from a fishing vessel to a cargo vessel while in a foreign country or in waters over which the country has recognized jurisdiction is subject to the applicable laws and regulations of such foreign country.

(d) During the closed season for yellowfin tuna, no fishing vessel shall transfer on the high seas any part of its catch of tuna fish to a cargo vessel documented under the laws of the United States and no such cargo vessel shall receive, possess, or bring to any place in the United States, tuna fish taken on board on the high seas from a fishing vessel unless the cargo vessel shall hold a permit issued in conformity with paragraph (e) of this section.

(e) Upon written application made to him, the Regional Director may issue a permit authorizing a cargo vessel documented under the laws of the United States to receive, possess, and transport to the United States, tuna fish transferred from fishing vessels on the high seas during the closed season on yellowfin tuna. Such permit may authorize the possession and transportation of yellowfin tuna by a cargo vessel without regard to the quantities of yellowfin or other marketable species of fish received or possessed on board such vessel during the closed season on yellowfin tuna and shall contain such additional conditions and restrictions as the Regional Director shall determine to be necessary in light of the circumstances in each case to achieve compliance with the regulations in this part and the objectives of the program for the conservation of the yellowfin tuna resources of the regulatory area.

§ 280.9 Restrictions applicable to purchasers.

(a) Except as provided in paragraphs (b) and (d) of this section it shall be unlawful for any person knowingly to receive, purchase, offer to purchase, sell, offer for sale, import, export, or have in custody, possession, or control any yellowfin tuna taken or retained by a fishing vessel in violation of the regulations in this part.

(b) In view of the perishable nature of yellowfin tuna when not processed otherwise than by chilling or freezing, any person authorized to enforce the regulations in this part may cause to be sold, and any person may purchase, for not less than its reasonable market value such quantities of perishable yellowfin tuna as may be seized pursuant to section 10(e) of the Tuna Conventions Act of 1950 as amended (16 U.S.C. 959(e)).

(c) The proceeds of any sale made pursuant to paragraph (b) of this section, after deducting the reasonable costs of the sale, if any, shall be remitted by the purchaser to the Regional Director for deposit and retention in the Suspense Account of the Bureau of Commercial Fisheries (Account No. 14X6875(17)) pending judgment of the court or other disposition of the case.

(d) If a duly constituted official acting under authority and in behalf of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa seizes any yellowfin tuna under the applicable laws or regulations of such government, such yellowfin tuna may be forfeited and sold or otherwise disposed of pursuant to such laws or regulations. Any yellowfin tuna so seized by an official of a State, the Commonwealth of Puerto Rico or American Samoa shall not be seized by an officer or employee of the Federal Government unless it is voluntarily turned over to him to be proceeded against under applicable Federal laws or regulations.

§ 280.10 Reports and recordkeeping.

(a) The master or other person in charge of a fishing vessel or such person as may be authorized in writing to serve charge of a fishing vessel or such person shall—

(1) Keep an accurate log of all operations conducted from the vessel entering therein for each day the date, noon position (stated in latitude and longitude or in relation to known physical features) and the estimated quantities (in short tons, round weight), of tuna fish and other marketable fish, by species, which are taken on board the vessel: *Provided*, That the record and bridge log maintained at the request of the Commission shall be deemed a sufficient compliance with this paragraph whenever the items of information specified herein are fully and accurately entered in such log.

(2) Report by radio at least once each calendar week during a fishing voyage conducted in the open season; such reporting to begin on a date to be announced by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER and to continue throughout the open season. Reports by radio shall be made directly or through a cooperating vessel to Radio Station WWD, La Jolla, Calif., 4415.8 kc., 8805.6 kc., 12403.5 kc., or 16533.5 kc., or by prepaid commercial radio message directed to the Director of Investigations. Radio reports shall be made between 0900 and 2400 P.s.t. and shall state the name of the fishing vessel and the cumulative estimated quantities, by species, of all tuna fish taken on board from week to week throughout the duration of the fishing voyage. Weekly reports containing all items of information required by this subsection may be submitted to the Director of Investigations by the shore representative of the master or other person in charge of the vessel in lieu of radio reports from the vessel.

(3) Furnish on a form obtainable from the Regional Director, following the delivery or sale of a catch of tuna made by means of such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual, giving the name and official number of the fishing vessel, the dates of commencement and conclusion of the fishing voyage, port of departure, and listing separately by species and round weight in pounds or short tons, the gross quantities of tuna fish and other marketable species of fish so sold or delivered: *Provided*, That, at the option of the vessel master or other person in charge, a copy of the fish ticket, weigh-out slip, settlement sheet, or similar record customarily issued by the fish dealer or his agent may be used for reporting purposes, in lieu of the form obtainable from the Regional Director, if such alternate record is similarly certified and contains all items of information required by this paragraph: *Provided, further*, That for any vessel landing its catch in California and reporting by means of a copy of the California fish ticket, the California Fish and Game boat number may be indicated in lieu of the vessel's official number. Such report shall be delivered or dispatched by mail to the Regional Director within 72 hours after the weigh-out has been completed.

(b) Any person authorized to carry out enforcement activities under the regulations in this part and any person authorized by the Commission shall have power, without warrant or other process to inspect, at any reasonable time, log books, catch reports, statistical records, or other reports as are required by the regulations in this part to be made, kept, or furnished (16 U.S.C. 956).

§ 280.11 Persons and vessels exempted.

Nothing contained in §§ 280.2 to 280.10 shall apply to:

(a) Any person or vessel authorized by the Commission, the Bureau Director, or any State of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 280.12 Fish and Wildlife employees designated as enforcement agents.

Any employee of the Fish and Wildlife Service duly appointed and authorized to enforce Federal laws and regulations administered by the Fish and Wildlife Service is authorized and empowered to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

§ 280.13 State officers designated as enforcement agents.

Any officer or employee of a State of the United States, of the Commonwealth of Puerto Rico or of American Samoa who has been duly designated by the Bureau Director or his delegate with the consent of the government concerned, is authorized to function as a Federal law

enforcement agent and to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 915–961).

[F.R. Doc. 69-5884; Filed, May 16, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

United States Standards for Grades of Various Processed Citrus Juices [1]

Notice of a proposal to amend several listed U.S. Standards for Grades of citrus juice products was published in the FEDERAL REGISTER of February 28, 1969 (34 F.R. 3630). The listed standards were:

Canned Blended Grapefruit Juice and Orange Juice (7 CFR 52.1281–52.1293).

Canned Orange Juice (7 CFR 52.1551–52.1562).

Canned Tangerine Juice (7 CFR 52.2071–52.2082).

Pasteurized Orange Juice (7 CFR 52.5641–52.5652).

Orange Juice from Concentrate (7 CFR 52.5681–52.5692).

Dehydrated Grapefruit Juice (7 CFR 52.3021–52.3032).

The amendments as proposed would change the method of expressing acid in each affected standard from—grams acid per 100 milliliters of juice—to—grams acid per 100 grams of juice. Interested persons were given until May 1, 1969, in which to submit written data, views, or arguments for consideration in connection with the proposed amendments. These actions would be taken pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Statement of consideration leading to the change in expressing acid content. These grade standards—issued under the authority of the Agricultural Marketing Act of 1946—provide official U.S. Grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Grading service is also provided under this act upon request and payment of a fee to cover the cost of the service.

The purpose of the amendments (as proposed and hereby adopted) is to provide the same basis for calculating and reporting the acidity of these processed single strength juices as is generally employed for concentrated juices and for fresh citrus fruit evaluation.

During the time given the public to make comments only one commenting letter—from the Florida Canners Association—was received. This association recommended that the last digit of the compensating values for acid and ratio, as proposed, be rounded off to the nearest one half or whole number. For example: an acid value of 0.61 gm. would be rounded to 0.60gm.; or a ratio value of 11.6:1 would be given as 11.5:1.

The Department agrees that the changed values resulting from such a rounding would make no significant change in the quality levels. In consideration of this recommendation and in the interest of simplicity in application, numerous minor changes, because of the rounding procedure, are included in each of the amendments.

After consideration of all relevant information available, including the aforesaid notice and comments, and pursuant to the authority of the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627) the following actions are taken.

In Part 52 of Chapter I of Title 7 of the Code of Federal Regulations, the listed subparts are amended as follows:

Subpart—U.S. Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice is amended as follows:

1. In § 52.1289, paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read:

§ 52.1289 Flavor.

(a) *(A) Classification.* * * *

(1) *Style I, unsweetened.*

	Minimum	Maximum
Brix (degrees)	10.0°	
Acid (per 100 grams)	0.75 gm.	1.60 gms.
Brix-acid ratio:		
If Brix is less than 11.5°	9.5:1	18:1.
If Brix is 11.5° or more	8.5:1	18:1.

(2) *Style II, sweetened.*

	Minimum	Maximum
Brix (degrees)	11.5°	
Acid (per 100 grams)	0.75 gm.	1.60 gms.
Brix-acid ratio:		
If Brix is less than 15°	10.5:1	18:1.
If Brix is 15° or more	No minimum.	18:1.

(b) *(C) Classification.* * * *

(1) *Style I, unsweetened.*

	Minimum	Maximum
Brix (degrees)	9.5°	
Acid (per 100 grams)	0.60 gm.	1.70 gms.
Brix-acid ratio	8:1	

(2) *Style II, sweetened.*

	Minimum	Maximum
Brix (degrees)	11.5°	
Acid (per 100 grams)	0.60 gm.	1.70 gms.
Brix-acid ratio:		
If Brix is less than 15°	10.5:1	
If Brix is 15° or more	No minimum.	

* * * * *

2. In § 52.1290 paragraph (b) is revised to read as follows and a new paragraph (c) is added:

§ 52.1290 Definition of terms.

* * * * *

(b) "Acid" means grams of total acidity calculated as anhydrous citric acid, per 100 grams of the canned blended juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(c) The "brix-acid ratio" is the ratio of the degrees Brix of the canned blended grapefruit juice and orange juice to the grams of anhydrous citric acid per 100 grams of the juice.

3. In § 52.1293, score sheet, the sentence beginning on the tenth line of the score sheet is changed to read:

§ 52.1293 Score sheet for canned blended grapefruit juice and orange juice.

* * * * *

Acid (grams/100 grams: Calculated as anhydrous citric acid.

* * * * *

Subpart—U.S. Standards for Grades of Canned Orange Juice is amended as follows:

1. In § 52.1559, paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read as follows:

§ 52.1559 Flavor.

(a) *(A) Classification.* * * *

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	10.5	
Acid (per 100 grams):		
California or Arizona	0.70 gm.	1.40 gms.
Outside California or Arizona.	0.60 gm.	1.40 gms.
Brix-acid ratio:		
If Brix is less than 11.5°	10.5:1	20.5:1.
If Brix is 11.5° or more	9.5:1	20.5:1.

(2) *With sweetener styles.*

	Minimum	Maximum
Brix (degrees)	10.5	
Acid (per 100 grams):		
California or Arizona	0.70 gm.	1.40 gms.
Outside California or Arizona.	0.60 gm.	1.40 gms.
Brix-acid ratio:		
If Brix is less than 15°	12.5:1	20.5:1.
If Brix is 15° or more	9.5:1	20.5:1.

(b) *(C) Classification* * * *

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	10.0°	
Acid (per 100 grams)	0.55 gm.	1.55 gms.
Brix-acid ratio	9.5:1	20.5:1.

(2) *With sweetener style.*

	Minimum	Maximum
Brix (degrees)	10.5	
Acid (per 100 grams):		
California or Arizona	0.60 gm.	1.60 gms.
Outside California or Arizona.	0.60 gm.	1.60 gms.
Brix-acid ratio:		
If Brix is less than 15°	12.5:1	20.5:1.
If Brix is 15° or more	9.5:1	20.5:1.

* * * * *

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

2. In § 52.1560, paragraph (b) and (c) are revised to read as follows:

§ 52.1560 Definitions of terms and methods of analyses.

* * * * *

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of canned orange juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(c) *Brix-acid ratio.* The "brix-acid ratio" is the ratio of the degrees Brix of the canned orange juice to the grams of anhydrous citric acid per 100 grams of the juice.

* * * * *

3. In § 52.1562, score sheet, the sentence beginning on the ninth line of the score sheet is changed to read as follows:

§ 52.1562 Score sheet for canned orange juice.

* * * * *

Acid (grams/100 grams: Calculated as anhydrous citric acid).

* * * * *

Subpart—U.S. Standards for Grades of Canned Tangerine Juice is amended as follows:

1. In § 52.2078, paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read as follows:

§ 52.2078 Flavor.

(a) (*A*) *Classification.* (1) Canned tangerine juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned tangerine juice flavor which is free from traces of scorching, caramelization, oxidation, or terpene; is free from off flavors of any kind; and meets the following requirements:

	Minimum	Maximum
Brix (degrees)	10.5°	
Acid (per 100 grams)	0.65 gm.	1.35 gms.
Brix-acid ratio	10.5:1	19:1.

(2) Canned tangerine juice is considered "sweet" if the juice possesses a very good flavor and falls within the range of the following requirements:

	Minimum	Maximum
Brix (degrees)	12.5°	
Acid (per 100 grams)	0.65 gm.	1.35 gms.
Brix-acid ratio:		
If less than 16° Brix	11.5:1	19:1.
If 16° Brix or more	No minimum.	19:1.

(b) (*C*) *Classification.* (1) If the canned tangerine juice possesses a good flavor, a score of 28 to 33 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means a good, normal canned tangerine juice flavor which may have a slightly caramelized or slightly oxidized flavor but is free from off flavors of any kind and meets the following requirements:

	Minimum	Maximum
Brix (degrees)	10.0°	
Acid (per 100 grams)	0.55 gm.	1.50 gms.
Brix-acid ratio	9.5:1	

(2) Canned tangerine juice is considered "sweet" if the juice possesses a good flavor and falls within the range of the following requirements:

	Minimum	Maximum
Brix (degrees)	12.5°	
Acid (per 100 grams)	0.60 gm.	1.50 gms.
Brix-acid ratio:		
If less than 16° Brix	11.5:1	
If 16° Brix or more	No minimum.	

* * * * *

2. In § 52.2079, paragraph (b) is revised to read as follows and new paragraph (c) is added.

§ 52.2079 Definitions of terms.

* * * * *

(b) "Acid" means grams of total acidity calculated an anhydrous citric acid per 100 grams of juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(c) "Brix-acid ratio" is the ratio of the degrees Brix of the canned tangerine juice to the grams of anhydrous citric acid per 100 grams of the juice.

3. In § 52.2082, score sheet, the seventh line of the score sheet is changed to read:

§ 52.2082 Score sheet for canned tangerine juice.

* * * * *

Acid (anhydrous citric: Grams per 100 grams).

* * * * *

Subpart—U.S. Standards for Grades of Pasteurized Orange Juice is amended as follows:

1. In § 52.5649, paragraphs (a) (1) and (2), and (b) (1) and (2), are revised to read:

§ 52.5649 Flavor.

(a) (*A*) *Classification.* * * *

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	11°	
Brix-acid ratio:		
From fruit grown predominantly in California or Arizona.	11.5:1	18:1.
From fruit grown predominantly outside California or Arizona.	12.5:1	20.5:1.

(2) *With sweetener style.*

	Minimum	Maximum
Soluble orange juice solids (percent by weight of finished product).	11%	
Brix-acid ratio	12.5:1	20.5:1.

(b) (*B*) *Classification.* * * *

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	10.5°	
Brix-acid ratio	10.5:1	23:1.

(2) *With sweetener style.*

	Minimum	Maximum
Soluble orange solids (percent by weight of finished product).	10.5%	
Brix-acid ratio	10.5:1	23:1.

* * * * *

2. In § 52.5650, paragraph (b) is revised to read:

§ 52.5650 Definitions of terms and methods of analysis.

* * * * *

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of pasteurized orange juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

* * * * *

3. In § 52.5652, score sheet, the sentence beginning on the ninth line of the score sheet is changed to read:

§ 52.5652 Score sheet for pasteurized orange juice.

* * * * *

Acid (grams/100 grams: Calculated as anhydrous citric acid).

* * * * *

Subpart—U.S. Standards for Grades of Orange Juice from Concentrate is amended as follows:

1. In § 52.5689 paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read as follows:

§ 52.5689 Flavor.

(a) (*A*) *Classification.* * * *

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	11.8°	
Brix-acid ratio:		
From fruit grown predominantly in California or Arizona.	11.5:1	18:1.
From fruit grown predominantly outside California or Arizona.	12.5:1	20.5:1.

(2) *With sweetener style.*

	Minimum	Maximum
Soluble orange juice solids (percent by weight of finished product).	11.8%	
Brix-acid ratio	12.5:1	20.5:1.

(b) (*B*) *Classification.* * * *

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	11.8°	
Brix-acid ratio	11:1	23:1.

(2) *With sweetener style.*

	Minimum	Maximum
Soluble orange juice solids (percent by weight of finished product).	11.8%.....	
Brix-acid ratio.....	11:1.....	23:1.

* * * * *

2. In § 52.5690, paragraph (b) is revised to read as follows:

§ 52.5690 Definitions of terms and methods of analysis.

* * * * *

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

* * * * *

3. In § 52.5692, score sheet, the sentence beginning on the ninth line of the score sheet is changed to read:

§ 52.5692 Score sheet for orange juice from concentrate.

* * * * *

Acid (grams per 100 grams: Calculated as anhydrous citric acid).

* * * * *

Subpart—U.S. Standards for Grades of Dehydrated Grapefruit Juice is amended as follows to correct a printing error. No other change is made.

In § 52.3028, paragraphs (a)(2) and (b)(2) are revised to change "ml." to "grams." As amended these paragraphs read:

§ 52.3028 Flavor.

(a) * * *

(2) Acid—not less than 0.85 gram per 100 grams.

* * * * *

(b) * * *

(2) Acid—not less than 0.70 gram per 100 grams.

* * * * *

Effective date. The amendments to each affected grade standard shall become effective on July 1, 1969.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: May 12, 1969.

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

[F.R. Doc. 69-5838; Filed, May 16, 1969; 8:45 a.m.]

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

U.S. Standards for Beans

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11046) on August 2, 1968, regarding a proposed revision of the U.S. Standards for Beans (7 CFR 68.101 et seq.) under the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624). Subsequently there was published on October 17, 1968 (33 F.R. 15432), a notice of an extension of time for comments and a proposed change in effective date of the revision if adopted.

Statement of considerations. This revision of the standards for beans is issued under authority of the Agricultural Marketing Act of 1946, which provides for official standards to designate the level of quality for voluntary use by producers, merchandisers, and consumers in the trading of beans. Official grading service is provided under this Act upon request of the applicant and payment of a fee to cover the cost of the service.

Over 900 copies of the notice of proposed rule making were sent to individuals, corporations, and associations interested in the production, marketing, and use of beans. Public hearings were not held, but all interested parties were given 105 days to submit written data, views, or arguments concerning the proposed revision. Consideration has been given to all written comments received and to other information available to the U.S. Department of Agriculture in the revision of the U.S. Standards for Beans. In response to the notice, seven letters of comment were received from bean growers, producers, merchandisers, canners, and other interested parties.

A majority of the responses supported or expressed little or no opposition to the following proposals which are adopted:

1. Change the format of the standards to set them forth as sections (e.g. 68.101, 68.102, etc.) rather than subdivisions of sections.

2. Delete the class names "Medium White beans," "Large White beans," "Old Fashioned Yelloweye beans," and "Bayo beans." Such varieties will be classified as "Miscellaneous beans."

3. Delete the class name "Western Red Kidney beans," which is a type of Light Red Kidney beans grown on the Pacific Coast. All types of Light Red Kidney beans will be classified as Light Red Kidney beans regardless of production area.

4. Change the definitions for badly damaged beans, classes that blend, contrasting classes, defects, stones, weevily beans, well screened, and U.S. Substandard.

5. Add a new table for the class Pea beans and include premium grades; i.e., U.S. Choice Handpicked and U.S. Prime Handpicked. The table provides for the following grades:

U.S. Choice Handpicked.
U.S. Prime Handpicked.
U.S. No. 1.
U.S. No. 2.
U.S. Substandard.
U.S. Sample grade.

6. Add "Black Turtle Soup beans" to Group (c) of the class names and to the grade table provided for in item 7.

7. Combine into one grade table the grade requirements and grade designations for the following groups of classes:

Group (a)—Blackeye, Cranberry, and Yelloweye beans.
Group (b)—Pinto beans.
Group (c)—Marrow, Great Northern, Small White, Flat Small White, White Kidney, Light Red Kidney, Dark Red Kidney, Small Red, Pink, Black Turtle Soup, and Mung beans, and all classes of Miscellaneous beans.

8. Add, "lentils, peas, cowpeas other than Blackeye types," between "cereal grains" and "and all matter other than beans" in the definition for foreign material.

9. Change the definition for "U.S. Sample grade" in the grade tables by including "which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments."

10. Change the definition for "Basis of determination" to provide that all determinations shall be made on the basis of the beans as a whole, except that color and off-color shall be determined on the basis of the beans after the removal of defects.

11. Provide that "off-color" Pea beans be graded not higher than U.S. No. 2.

12. Change the definition for "Percentages" to provide that all percentages shall be determined upon the basis of weight and shall be stated in terms of whole, tenths, and hundredths of a percent as required for individual factors.

13. Change the maximum limits for stones from "trace" to "0.01 percent" for grade U.S. Extra No. 1 in the grade tables for Large Lima, Baby Lima, and Miscellaneous Lima beans.

14. Consolidate the information under the section on "Grade designations."

Some questions were raised or opposition expressed to the following proposals:

1. Delete the class names "Blackeye" and "Cranberry" from the list of beans that do not qualify under the Handpicked special grades. It was recommended that "Blackeye" be retained in the list of exceptions because it is not economically feasible for this class to be processed sufficiently to meet the requirements for the special grades "Choice Handpicked" or "Handpicked". Therefore only "Cranberry" is deleted from the list.

2. Provide that the wording "beans with a significant amount of dirt or dirt-like substance adhering to the seedcoat shall be considered as damaged beans" be added to the definition for damaged beans. A segment of the industry suggested that the phrase "a significant amount of dirt or dirt-like substance" is ambiguous and should not be a part of the standards, but should be included in instructions to inspectors.

In view of the comments received from the trade and additional information available to the Department, the proposal is not adopted. Further consideration will be given by the Department to the definition and maximum limits for beans with dirt or dirt-like substance adhering to the seedcoat. If warranted, a new proposal with respect to the definition and

maximum limits for such beans will be published in the FEDERAL REGISTER.

3. Add "live" before "weevils" in the proposed definition for "weevily beans." It was suggested that the term should be "live and dead weevils." It is not necessary to include "dead" weevils in the definition because beans which contain "dead insects" are graded U.S. Sample grade on account of the presence of "insect filth." The definition for "weevily beans" is adopted as proposed.

4. Establish minimum requirements for good and fair color for the class Pea beans, and provide type samples for such colors. Most of the comments received on this proposal indicated that adding such color requirements for Pea beans would cause economic loss to the bean industry, particularly to producers, because such beans are prone to change in color while in storage. In view of this objection, the proposal is not adopted.

5. Provide that Handpicked beans may be electronically sorted. This proposal is not adopted because "Handpicked beans" is a descriptive term indicating that such beans meet certain standards of quality and it is unnecessary to show in the standards that the beans have been processed in any manner by handpicking, electronic sorting, or otherwise. Accordingly, the method of processing used to meet the requirements for handpicked beans will not be shown in § 68.138 of the standards.

6. Delete "Handpicked" from "U.S. Choice Handpicked" and "U.S. Prime Handpicked" in the grade table for Pea beans, and "Choice Handpicked" and "Handpicked" from the special grades section, and add the grade "U.S. Choice" above the grade "U.S. No. 1" in the combined table. This alternative proposal is not adopted because the comments received indicated that it would create undue difficulty in the domestic and foreign marketing of such beans.

Comments were received on the following items that were not included in the notice of proposed rule making:

1. Change "Pea beans (the type as grown in the Great Lakes region known as Navy beans)" to "Navy beans (the type as grown principally in Michigan)."

2. Add to the class name "Great Northern beans", the parenthetical phrase "(known as Large Navy beans)".

A change in the class designations for Pea beans and Great Northern beans was not proposed because certain segments of the trade indicated that Small White beans, Flat Small White beans, and Great Northern beans are also marketed as "Navy" type beans and restricting the term "Navy" to Pea beans would detract from the marketing of these classes. There is also opposition, by certain segments of the trade, to the addition of the parenthetical phrase "(known as Large Navy beans)" after "Great Northern beans."

3. Define and establish limits for cracked seedcoats in the grade table for Pea beans.

Further study will be required before limits for cracked seedcoats in Pea beans can be established.

Other changes of a minor editorial nature have been made as follows:

1. The class names under § 68.102 have been listed in the order in which they appear in the grade tables, except for the class "Mixed beans" which appears last.

2. The column "contrasting classes" in each grade table under §§ 68.133, 68.134, 68.135, and 68.136 has been placed between the columns "Foreign material" and "Classes that blend."

One of the proposals provided that, upon request, the words "Stated by the applicant to be (State) grown" may be shown under "Remarks" on bean certificates. It is concluded that this provision need not be incorporated in the standards but should continue to be included in instructions issued by the Department. The instructions provide that the applicant may request that such information be shown on the certificate as "remarks".

Section numbers 68.123 through 68.132 have been changed to 68.130 through 68.138, respectively, in order to leave section numbers 68.123 through 68.129 vacant for future use.

For a reasonable period of time after adoption of the revised standards, the inspector will, upon request, show on certificates the inspection results under both the new and the old standards.

It does not appear that further public rule making procedure with respect to the revision of the standards would make additional information available to the Department. Therefore, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that such further rule making procedure is impracticable and unnecessary.

The standards are revised to read as follows:

Subpart B—U.S. Standards for Beans

TERMS DEFINED

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

AUTHORITY: The provisions of this Subpart B issued under secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624.

Subpart B—U.S. Standards for Beans [1]

TERMS DEFINED

§ 68.101 Beans.

Beans shall be dry threshed field and garden beans, whole, broken, and split, commonly used for edible purposes.

§ 68.102 Classes.[2]

Beans shall be divided into classes as follows, each of which, except Mixed beans, may contain not more than 2.0 percent of beans of contrasting classes and not more than 15.0 percent of beans of other classes that blend:

Pea beans (the type as grown in the Great Lakes region known also as Navy beans).
Blackeye beans (cowpeas of the Blackeye variety).
Cranberry beans (known also as Speckled Cranberry and Horticultural Pole).
Yelloweye beans.
Pinto beans (including the Mexican Pinto type but not the type known as Spotted Red Mexican).
Marrow beans (not including Red Marrow).
Great Northern beans.
Small White beans (the type as grown on the Pacific coast, not including Tepary beans).
Flat Small White beans (the type as grown in northern Idaho).
White Kidney beans.
Light Red Kidney beans.
Dark Red Kidney beans.
Small Red beans (known also as Red Mexican, California Red, and Idaho Red).
Pink beans.
Black Turtle Soup beans.
Mung beans.

Miscellaneous beans: Beans that are not otherwise classified in these standards shall be classified and designated according to the commonly accepted commercial name of such beans.

Large Lima beans (characteristic of the Large White Pole and Burpee Bush Lima type).
Baby Lima beans (characteristic of Small White Lima beans of the Henderson Bush and similar types).

Miscellaneous Lima beans: Lima beans that do not come within the classes Large

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The use of a variety name in the designation of the class of beans does not imply any guarantee of varietal purity.

Lima or Baby Lima shall be classified and designated according to their commonly accepted commercial name.

Mixed beans: Mixed beans shall be any mixture of beans not provided for in the classes listed above.

§ 68.103 Grades.

Grades shall be the premium grades, numerical grades, substandard grades, sample grades, and special grades provided for in §§ 68.133–68.138.

§ 68.104 Sound beans.

Sound beans shall be beans that are free from defects.

§ 68.105 Defects.

Defects for the classes Baby Lima and Miscellaneous Lima beans shall be damaged beans, contrasting classes, and foreign material. Defects for all other classes of beans shall be splits, damaged beans, contrasting classes, and foreign material.

§ 68.106 Splits.

Splits shall be pieces of beans that are not damaged, each of which consists of three-fourths or less of the whole bean, and shall include any sound bean the halves of which are held together loosely.

§ 68.107 Damaged beans.

Damaged beans shall be beans and pieces of beans that are damaged by frost, weather, disease, weevils or other insects, or other causes.

§ 68.108 Badly damaged beans.

Badly damaged beans shall be beans and pieces of beans that are materially damaged or discolored by frost, weather, disease, weevils or other insects, or other causes so as to materially affect the appearance and quality of the beans.

§ 68.109 Foreign material.

Foreign material shall be stones, dirt, weed seeds, cereal grains, lentils, peas, cowpeas other than Blackeye types, and all matter other than beans.

§ 68.110 Stones.

Stones shall be concreted earthy or mineral matter, and other substances of similar hardness that do not disintegrate readily in water.

§ 68.111 Contrasting classes.

Contrasting classes shall be beans of other classes that are of a different color, size, or shape from the beans of the class designated.

§ 68.112 Classes that blend.

Classes that blend shall be sound beans of other classes that are similar in color, size, and shape to the beans of the class designated, and shall include white beans in the class Yelloweye which are similar in size and shape to the Yelloweye beans.

§ 68.113 Broken beans.

Broken beans shall be sound beans with some but less than one-fourth of each bean broken off or with one-fourth or more of the seedcoat removed.

§ 68.114 Blistered beans.

Blistered beans shall be sound beans with badly blistered or burst seedcoats.

§ 68.115 Wrinkled beans.

Wrinkled beans shall be sound beans that have deeply wrinkled seedcoats and/or are badly warped or misshapen.

§ 68.116 Weevily beans.

Weevily beans shall be beans that are infested with live weevils or other insects injurious to stored beans or that contain weevil-bored beans.

§ 68.117 Clean-cut weevil-bored beans.

Clean-cut weevil-bored beans shall be beans from which weevils have emerged, leaving a clean-cut open cavity free from larvae, webbing, refuse, mold, or stain.

§ 68.118 Well screened.

Well screened, as applied to the general appearance of beans, shall mean that the beans are uniform in size and are practically free from such small, shriveled, underdeveloped beans, splits, broken beans, large beans, and foreign material that can be removed readily by the ordinary process of milling or screening through the proper use of sieves.

§ 68.119 Good natural color.

Good natural color, as applied to the general appearance of beans, shall mean that the beans in mass are practically free from discoloration and have the natural color and appearance of the class of beans that predominates in the sample.

§ 68.120 30/64 sieve.

A 30/64 sieve shall be a metal sieve 0.0319-inch thick perforated with round holes 0.4687 (30/64) inch in diameter which are 11/16 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.121 28/64 sieve.

A 28/64 sieve shall be a metal sieve 0.0319-inch thick perforated with round holes 0.4375 (28/64) inch in diameter which are 19/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.122 24/64 sieve.

A 24/64 sieve shall be a metal sieve 0.0319-inch thick perforated with round holes 0.3750 (24/64) inch in diameter which are 17/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.130 Basis of determination.

The determination of "color" including "off-color" shall be upon the basis of the beans after the removal of defects. All other determinations shall be upon the basis of the beans as a whole.

§ 68.131 Percentages.

All percentages shall be determined upon the basis of weight, and shall be stated in terms of whole, tenths, and hundredths of a percent as required for individual factors.

§ 68.132 Moisture.

Moisture shall be determined by the use of equipment and procedures prescribed by the Consumer and Marketing Service, U.S. Department of Agriculture, or determined by any method that gives equivalent results. (Information thereon may be obtained from said Service.)

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.133 Grades and grade requirements for the class Pea beans.

(See also § 68.138.)

Grade	Maximum limits of—				Contrasting classes	Classes that blend
	Total defects	Badly damaged beans	Foreign material			
			Total	Stones		
	Percent	*Percent*	*Percent* [2]	*Percent*	*Percent*	*Percent*
U.S. Choice handpicked [1]	1.5	0.3	0.01		0.01	2.0
U.S. Prime handpicked [1]	3.0	0.3	0.01		0.01	2.0
U.S. No. 1 [1]	2.0		0.4	0.2	0.5	4.0
U.S. No. 2 [1]	3.0		0.8	0.4	1.0	4.0
U.S. Substandard [2]	U.S. Substandard shall be beans of this class which do not meet the requirements for the grades U.S. Choice handpicked through U.S. No. 2 or U.S. Sample grade.					
U.S. Sample grade [2]	U.S. Sample grade shall be beans of this class which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.					

[1] The beans of this class in grades U.S. Choice handpicked, U.S. Prime handpicked, U.S. No. 1, and U.S. No. 2 shall be well screened.

[2] Provided that the special grade "off-color" may be applied to U.S. No. 2 and lower grades for this class. [See § 68.138(c).]

§ 68.134 Grades and grade requirements for the classes: Group (a)—Blackeye, Cranberry, and Yelloweye beans; Group (b)—Pinto beans; and Group (c)—Marrow, Great Northern, Small White, Flat Small White, White Kidney, Light Red Kidney, Dark Red Kidney, Small Red, Pink, Black Turtle Soup, Mung, and Miscellaneous beans.

(See also § 68.138.)

Grade	Maximum limits of—						
	Total defects (see applicable classes above).			Foreign material		Contrasting classes	Classes that blend
	Group			Total	Stones		
	(a)	(b)	(c)				
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1 [1] [2] [4]	4.0	3.0	2.0	0.5	0.2	0.5	5.0
U.S. No. 2 [2] [3] [4]	6.0	5.0	4.0	1.0	0.4	1.0	10.0
U.S. No. 3 [2] [4]	8.0	7.0	6.0	1.5	0.6	2.0	15.0
U.S. Substandard	U.S. Substandard shall be beans of any one of these classes which do not meet the requirements for the grades U.S. No. 1, U.S. No. 2, U.S. No. 3, or U.S. Sample grade.						
U.S. Sample grade	U.S. Sample grade shall be beans of any one of these classes which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.						

[1] The beans of any one of these classes shall be well screened.
[2] The beans of the class Mung beans in grade U.S. No. 1 and of the classes Mung and Blackeye beans in grades U.S. Nos. 2 and 3 may contain not more than 0.1, 0.2, and 0.5 percent, respectively, of clean-cut weevil-bored beans.
[3] The beans of the class Yelloweye beans in the grades U.S. Nos. 1 and 2 may contain an additional 5.0 percent of classes that blend, when such additional percentage consists of white beans which are similar in size and shape to the Yelloweye beans.
[4] The beans of the classes Blackeye, Cranberry, and Yelloweye beans in grades U.S. Nos. 1, 2, and 3 may contain not more than 2.0, 4.0, and 6.0 percent, respectively, of damaged beans.

§ 68.135 Grades and grade requirements for the class Large Lima beans.

(See also § 68.138.)

Grade	Maximum limits of—							
	Total blistered, wrinkled, and defects	Splits	Damaged beans		Foreign material		Contrasting classes	Classes that blend
			Total	Badly damaged	Total	Stones		
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. Extra No. 1 [1]	4.0	2.0	1.0	0.2	0.2	0.01	0.2	2.0
U.S. No. 1 [2]	6.0	3.0	2.0	0.5	0.5	0.2	0.5	5.0
U.S. No. 2 [3]	9.0	5.0	3.0	1.0	1.0	0.3	1.0	10.0
U.S. Substandard	U.S. Substandard shall be beans of this class which do not meet the requirements for the grades U.S. Extra No. 1, U.S. No. 1, U.S. No. 2, or U.S. Sample grade.							
U.S. Sample grade	U.S. Sample grade shall be beans of this class which are musty sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.							

[1] U.S. Extra No. 1 shall be well screened and meet the following additional requirements:
(a) Contain not more than 17 percent moisture.
(b) Be of good natural color.
(c) Contain not more than 3.0 percent broken beans.
(d) Contain not more than 20 percent of beans that will pass through a 30/64 sieve of which not more than 5 percent will pass through a 28/64 sieve.
[2] U.S. No. 1 shall be well screened and meet the following additional requirements:
(a) Contain not more than 5.0 percent of broken beans.
(b) Contain not more than 25 percent of beans that will pass through a 28/64 sieve, of which not more than 5 percent will pass through a 24/64 sieve.
[3] U.S. No. 2 shall be well screened and meet the following additional requirements:
(a) Contain not more than 5.0 percent of broken beans.
(b) Contain not more than 40 percent of beans that will pass through a 28/64 sieve, of which not more than 5 percent will pass through a 24/64 sieve.

§ 68.136 Grades and grade requirements for the class Baby Lima beans, and for the classes of Miscellaneous Lima beans.

(See also § 68.138.)

Grade	Maximum limits of—							
	Blistered, wrinkled, and/or broken	Splits	Total defects	Badly damaged beans	Foreign material		Contrasting classes	Classes that blend
					Total	Stones		
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. Extra No. 1 [1] [2]	2.0	2.0	1.0	0.5	0.2	0.01	0.2	2.0
U.S. No. 1 [1]	3.0	3.0	2.0	1.0	0.5	0.2	0.5	5.0
U.S. No. 2 [1]	5.0	5.0	3.0	1.5	1.0	0.3	1.0	10.0
U.S. No. 3 [1]	8.0	8.0	5.0	2.0	1.5	0.6	2.0	15.0
U.S. Substandard	U.S. Substandard shall be beans of any one of these classes which do not meet the requirements for the grades U.S. Extra No. 1, U.S. No. 1, U.S. No. 2, U.S. No. 3, or U.S. Sample grade.							
U.S. Sample grade	U.S. Sample grade shall be beans of any one of these classes which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.							

[1] The beans of any one of these classes in the grades U.S. Extra No. 1, U.S. No. 1, U.S. No. 2, and U.S. No. 3 shall be well screened.
[2] The beans of any one of these classes in the grade U.S. Extra No. 1 shall be of good natural color, and may contain not more than 17 percent moisture.

§ 68.137 Grade designations.

The grade designation for all classes of beans, except Mixed beans, shall include the letters "U.S.," the name or number of the grade, and the name of the class. In addition, the designation for the grade U.S. Substandard shall include the percentage each of sound beans, splits, damaged beans, contrasting classes, and foreign material. Mixed beans shall be graded according to the grade requirements of the class of beans which predominates in the mixture, except that the factors "contrasting classes" and "classes that blend" and the factor of size when Large Lima beans predominate, shall be disregarded, and the grade designation shall include the name and percentage of each class in the mixture. The name of each applicable special grade shall be shown as provided for in § 68.138.

§ 68.138 Special grades, special grade requirements, and special grade designations for all classes of beans.

(a) *Handpicked beans*—(1) *Grade requirements.* The special grade "Handpicked" beans shall be applicable to beans of any one of the classes, except Pea, Blackeye, Large Lima, Baby Lima, Miscellaneous Lima, and Mixed beans, which meet the grade requirements for any of the grades U.S. No. 1, U.S. No. 2, or U.S. No. 3, and contain not more than 0.3 percent of badly damaged beans, not more than 0.01 percent contrasting classes, and not more than 0.01 percent of foreign material. Handpicked beans shall not include "off-color" beans.

(NOTE: The handpicked grades for Pea beans are shown in § 68.133.)

(2) *Grade designation.* Handpicked beans shall be graded and designated as provided in either subdivision (i) or (ii) of this subparagraph as follows:

(i) *Choice handpicked.* Handpicked beans of all classes to which the special

grade Handpicked applies, except the class Pinto beans, which meet the grade requirements for the grade U.S. No. 1, and which do not contain more than 1.5 percent total defects, and Pinto beans which meet the grade requirements for the grade U.S. No. 1 and which do not contain more than 2.0 percent total defects, shall be graded and designated as "U.S. Choice Handpicked." Such designation shall precede the name of the class.

(ii) *Handpicked.* Handpicked beans which do not meet the grade requirements for the grade U.S. Choice Handpicked shall be graded and designated according to the grade requirements of the standards applicable to such beans if they were not handpicked, and there shall be added to and made a part of the grade designation, following the number of the grade, the word "Handpicked."

(b) *High moisture beans*—(1) *Grade requirements.* High moisture beans shall be beans of any class which contain more than 18 percent of moisture.

(2) *Grade designation.* High moisture beans shall be graded and designated according to the grade requirements of the standards otherwise applicable to such beans, and there shall be added to and made a part of the grade designation, following the name of the class, the words "high moisture," followed by a statement of the percentage of moisture in the beans.

(c) *Off-color beans*—(1) *Grade requirements.* Off-color beans shall be beans of any class that, in mass, are distinctly off-color due to age or to any other natural cause but which are not materially weathered.

(2) *Grade designations.* Off-color beans shall be graded and designated according to the grade requirements of the standards applicable to such beans if they were not off-color, and there shall be added to and made a part of the grade designation, following the name of the class, the word "off-color."

The foregoing standards supersede the U.S. Standards for Beans as amended effective September 1, 1959, and shall become effective August 1, 1969.

Done at Washington, D.C., this 12th day of May 1969.

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

[F.R. Doc. 69-5839; Filed, May 16, 1969; 8:45 a.m.]

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

[Valencia Orange Reg. 275, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

Order, as amended. The provision in paragraph (b)(1) (i), (ii), and (iii) of § 908.575 (Valencia Orange Reg. 275, 34 F.R. 7442) are hereby amended to read as follows:

§ 908.575 Valencia Orange Regulation 275.

* * * * *

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

(i) District 1: 525,000 cartons;

(ii) District 2: 325,000 cartons;

(iii) District 3: 200,000 cartons.

* * * * *

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

Dated: May 14, 1969.

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

[F.R. Doc. 69-5883; Filed, May 16, 1969; 8:47 a.m.]

[Lemon Reg. 374]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.674 Lemon Regulation 374.

(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 May 13, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 18, 1969, through May 24, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 302,250 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 15, 1969.

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

[F.R. Doc. 69-5943; Filed, May 16, 1969; 8:49 a.m.]

[Lime Reg. 27, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown 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 of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Lime Administrative Committee reflects its appraisal of current crop and market conditions. More restrictive regulation requirements should be made effective no later than May 19, 1969, because fresh lime shipments have increased substantially during the past week and market prices have declined severely. The quality of the developing crop has seasonally improved since the inception of the current regulation, hence, a higher minimum grade and larger minimum size regulation for limes for fresh shipment is needed to increase returns to producers through a reduction in the marketable supply while providing consumers with more desirable limes of a larger size and better quality.

(3) It is hereby further found that it is impracticable, unnecessary, 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) in that 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; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 19, 1969. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 27 (34 F.R. 6438) and unless sooner terminated, will continue to be so regulated through April 30, 1970; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to May 19, 1969, and in the manner herein provided, were promptly submitted to the Department after a meeting of the Florida Lime Administrative Committee on May 14, 1969, held to consider recommendations for regulations; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as 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 by the effective time hereof.

Order. In § 911.329 (Lime Regulation 27; 34 F.R. 6438) the introductory text of paragraph (a)(2) and subdivisions (ii) and (iii) thereof are amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) * * *

(2) During the period May 19, 1969, through April 30, 1970, no handler shall handle:

* * * * *

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in any container thereof grading at least U.S. No. 1, Mixed Color; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

* * * * *

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

Dated: May 16, 1969, to become effective May 19, 1969.

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

[F.R. Doc. 69-6039; Filed, May 16, 1969; 11:31 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 102]

GRAIN WAREHOUSES

Inspectors' and Weighers' Applications

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service, pursuant to the authority conferred by section 28 of the United States Warehouse Act (7 U.S.C. 268) is considering amending warehouse regulations appearing in Part 102 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations as follows:

Subparagraph (2), paragraph (b) of § 102.61, would be revoked and paragraph (b) would be amended to read:

§ 102.61 Inspectors' and weighers' applications.

* * * * *

(b) Each inspector's application shall contain—

(1) Evidence that he can correctly grade grain in accordance with the official standards of the United States, or in the absence of such standards in accordance with any standards approved by the Administrator, and

(2) Satisfactory evidence that he will be provided with such means or facilities for inspecting and grading grain as may be deemed necessary, for use in the locality in which the applicant expects to perform services as a licensed inspector.

* * * * *

The requirement of the regulations that the applicant must have passed his 21st birthday would be revoked in order to bring the regulations under the United States Warehouse Act in line with the requirements of the regulations under the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.).

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Transportation and Warehouse Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of May 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-5891; Filed, May 16, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 146–147, 148a–149d]

ANTIBIOTIC DRUGS

Fee Schedules and Charges for Inspection of Foreign Firms

The Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as proposed below to revise the antibiotic drug fee schedules and to provide for charges for followup inspections of foreign firms because:

1. It is the policy of the U.S. Government to establish an equitable, uniform system of charges for rendering special services to persons or organizations outside the Federal Government.

2. An analysis of the present antibiotic drug fee system indicates some inequities and lack of uniformity in charging for performance of tests for certification or release of antibiotic drugs.

3. The cost of repeat inspections of foreign manufacturers in connection with the certification of antibiotic drugs they produce is substantially greater than the cost of inspection of plants in the United States.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that the antibiotic drug regulations be amended:

1. By revising § 146.8(b) to read as follows:

§ 146.8 Fees.

* * * * *

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by the regulations in this chapter, including those published hereafter, is the sum of the fees for all tests required for certification of each batch. The minimum tests for each batch shall be those prescribed in the section relating specifically to such drug.

(1) The fee schedule for antibiotic drug certification is as follows:

Test	Chargeable fees per test
Arquad content	$20
Butanol content	29
Candicidin potency	23
Color identity	4
Crystallinity	4
Cycloserine color assay	17
Dactinomycin potency	35
Disc potency	15
Doxycycline purity	72
Free chloride	26
Gas chromatography (lincomycin)	32
Gentamicin C	191
Heavy metals test	13
Histamine test	35
Infrared identity	17
Karl Fisher moisture	7
LD_{50} toxicity	240
Loss on drying	9
Melting point	5
Metal particles (ophthalmic ointments)	26
Microbiological assay, plate	14
Microbiological assay, turbidimetric	7
Micro-organism count	49
Nonaqueous titrations	11
Paper chromatographic identity	37
Penicillin chemical assay	9
Penicillin contamination	27
Penicillin G content	14
pH	3
Procaine colorimetric	3
Pyrogens test:	
3 rabbits	62
5 rabbits	100
8 rabbits	162
Residue on ignition	17
Residual streptomycin	8
Safety test	26
Specific rotation	30
Specific surface area	17
Sterility test	49
Sulfate content	11
Tablet disintegration	3
Total chlorine	58
Undecylenic acid content	20
Ultraviolet absorptivity	12
Vancomycin identity	53
Zinc titration	26

(2) In the case of a supplemental request submitted pursuant to the provisions of § 144.3 of this chapter, the fee shall be $4.

(3) In the case of persons using the certification services whose manufacturing facilities are not located in the United States or the Commonwealth of Puerto Rico, such persons shall be required to deposit each year sufficient funds to cover costs encountered when their facilities are inspected pursuant to the provisions of section 704 of the act.

2. By deleting all references to fees from Parts 146a through 146e, 147, 148a through 148z, and 149a through 149d.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 12, 1969.

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

[F.R. Doc. 69-5862; Filed, May 16, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-15]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Poplar Bluff, Mo.

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.

Since designation of the Poplar Bluff, Mo., transition area the instrument approach procedure for Earl Fields Memorial Airport at Poplar Bluff, has been modified slightly. In addition, the criteria for designation of transition areas has been changed. Accordingly, it is necessary to alter the Poplar Bluff transition area to adequately protect aircraft executing the modified approach procedure and to comply with the new transition area criteria.

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 amended to read:

POPLAR BLUFF, MO.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Earl Fields Memorial Airport (latitude 36°46'20" N., longitude 90°19'30" W.); and within 3 miles each side of the 189° bearing from Earl Fields Memorial Airport, extending from the 5½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 009° and 189° bearings from Earl Fields Memorial Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 075° bearing from the Earl Fields Memorial Airport, extending from the airport to V-9, excluding the portion which overlies the Blytheville, Ark., 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 in Kansas City, Mo., on April 29, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-5868; Filed, May 16, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-20]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Bellaire, Mich.

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 Antrim County Airport, Bellaire, Mich., utilizing a relocated privately owned radio beacon as a navigational aid. The present instrument approach procedure predicated on the navigational aid at its old location will be canceled when the new procedure becomes effective. Accordingly, the Bellaire, Mich., transition area must be altered to provide controlled airspace protection for aircraft executing the new procedure.

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 amended to read:

BELLAIRE, MICH.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Antrim County Airport (latitude 49°59'10" N., longitude 85°11'55" W.); and within 3 miles each side of the 198° bearing from Antrim County Airport, extending from the 11-mile radius area to 14 miles south of the airport, excluding the portion which overlies the Traverse City, Mich., transition area; and that airspace extending upward from 1,200 feet above the surface within 9½ miles west and 4½ miles east of the 198° bearing from Antrim County Airport, extending from the airport to 25 miles south of the airport.

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 in Kansas City, Mo., on April 29, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-5870; Filed, May 16, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-21]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Independence, Kans.

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.

Since designation of the Independence, Kans., transition area the criteria for the designation of transition areas has been changed. Accordingly, it is necessary to alter the Independence, Kans., transition area to comply with the new transition area criteria.

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 amended to read:

INDEPENDENCE, KANS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Independence Municipal Airport (latitude 37°09'25" N., longitude 95°46'50" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 193° bearing from Independence Municipal Airport, extending from the airport to 18½ miles south of the airport, excluding the portion which overlies the Bartlesville, Okla., 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 in Kansas City, Mo., on April 29, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-5871; Filed, May 16, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-22]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Coffeyville, Kans.

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.

Since designation of the Coffeyville, Kans., transition area, the criteria for the designation of transition areas has changed. Accordingly, it is necessary to alter the Coffeyville transition area to comply with the new transition area criteria.

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 amended to read:

COFFEYVILLE, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Coffeyville Municipal Airport (latitude 37°05'45" N., longitude 95°34'25" W.); and within 3 miles each side of the 163° bearing from Coffeyville Municipal Airport, extending from the 7-mile radius area to 8 miles south of the airport and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° bearing from Coffeyville Municipal Airport extending from the airport to 18½ miles south of the airport; and the area northeast of Coffeyville bounded on the northeast by a line 5 miles southwest of and parallel to the Oswego, Kans., VOR 306° radial, on the south by V-516 and on the west by V-131.

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 in Kansas City, Mo., on April 29, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-5872; Filed, May 16, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-19]

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 Le Mars, Iowa.

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 the Le Mars, Iowa, Municipal Airport utilizing a city-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace for the protection of aircraft executing this new approach procedure by designating a transition area at Le Mars, Iowa. The new procedure will become effective concurrently with the designation of the transition area.

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:

LE MARS, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Le Mars Municipal Airport (latitude 42°46'40" N., longitude 96°11'40" W.); and with within 3 miles each side of the 345° bearing from Le Mars Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 165° and 345° bearings from Le Mars Municipal Airport, extending from 4 miles south to 18½ miles north of the airport.

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 in Kansas City, Mo., on April 29, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-5869; Filed, May 16, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 080047]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 12, 1969.

Notice of a U.S. Department of Agriculture application, Sacramento 080047, for withdrawal and reservation of land for a roadside zone along California State Highway No. 96, for the Ish Puk Campground, was published as F.R. Doc. 66-924 on page 1126 of the issue for January 27, 1966. The applicant agency has canceled its application insofar as it affects the following described land:

HUMBOLDT MERIDIAN

ROADSIDE ZONE ALONG CALIFORNIA STATE HIGHWAY NO. 96, ISH PUK CAMPGROUND

A strip of land 200 feet to the north and 500 feet south of the centerline of California State Highway No. 96 starting from Station A 1213+59 thence on up the Klamath River to Station A 1226+15, approximately 1,600 feet, through the following legal subdivisions:

T. 14 N., R. 6 E. (unsurveyed),
Sec. 16, SW¼.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-5880; Filed, May 16, 1969; 8:47 a.m.]

[New Mexico 8706]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 12, 1969.

The Agricultural Research Service, U.S. Department of Agriculture, has filed an application, Serial No. New Mexico 8706 for the withdrawal of lands described below from location and entry under the mineral leasing and the general mining laws (30 U.S.C., ch. 2). The surface of the lands is withdrawn by Executive Orders Nos. 1526, 2368, and 4266. The area is known as the Jornado Experimental Range. The present withdrawal is for the protection of the research installations which are scattered about the experimental range. These installations include livestock exclosures, quadrat locations and other experimental plots under study by the Crops Research Division of the Agricultural Research Service.

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

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

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

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

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 S., R. 1 E.,
Secs. 13, 14, and 15;
Sec. 16, E½ and SW¼;
Sec. 20, E½ and SW¼;
Secs. 21 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 19 S., R. 1 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 20 S., R. 1 E.,
Secs. 1 to 5, inclusive;
Sec. 8, N½NE¼;
Sec. 9, N½ and SE¼;
Secs. 10, 11, 12, and 13;
Sec. 14, E½, NW¼, and N½SW¼;
Sec. 15, NE¼ and E½NW¼;
Sec. 24, NE¼ and N½NW¼.
T. 18 S., R. 2 E.,
Secs. 13 to 36, inclusive.
T. 19 S., R. 2 E.
T. 20 S., R. 2 E.,
Secs. 1 to 18, inclusive;
Sec. 19, lots 1, 2, 3, E½, and E½W½;
Secs. 20 to 29, inclusive;
Secs. 32, 33, and 34.
T. 21 S., R. 2 E.,
Secs. 3, 4, and 5;
Secs. 8, 9, and 10;
Secs. 15, 16, and 17;
Sec. 20, lots 11 to 18, inclusive;
Sec. 21, N½.
T. 17 S., R. 3 E.,
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, SE¼;
Sec. 22, E½;
Secs. 23, 24, 25, and 26;
Sec. 27, E½;
Sec. 34, E½;
Secs. 35 and 36.
T. 18 S., R. 3 E.,
Secs. 1, 2, and 3;
Sec. 4, SE¼;
Sec. 8, SE¼;
Secs. 9 to 17, inclusive;
Secs. 19 to 36, inclusive.
T. 19 S., R. 3 E.
T. 20 S., R. 3 E.,
Secs. 1 to 18, inclusive;
Secs. 19, 20, 21, and 22;
Sec. 23, N½, SW¼, and W½SE¼;
Sec. 24, lot 1;
Sec. 27, NW¼;
Sec. 28, N½;
Secs. 29 and 30.
T. 17 S., R. 4 E.,
Sec. 17, W½SW¼;
Sec. 18, lots 3, 4, E½SW¼, and SE¼;
Sec. 19;
Sec. 20, W½W½;
Sec. 29, W½W½;
Sec. 30;
Sec. 31, lots 1 to 4, inclusive, NE¼, and E½NW¼.
T. 18 S., R. 4 E.,
Sec. 6, lots 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 7, 18, and 19;
Sec. 20, SW¼;
Secs. 29, 30, 31, and 32.
T. 19 S., R. 4 E.,
Sec. 4, lots 3, 4, S½NW¼, and SW¼;
Secs. 5, 6, 7, and 8;
Sec. 9, W½;
Sec. 16, W½;
Secs. 17, 18, 19, and 20;
Sec. 21, W½;
Sec. 28, W½;
Secs. 29 to 33, inclusive;
Sec. 34, SW¼.
T. 20 S., R. 4 E.,
Sec. 3, lots 3, 4, S½NW¼, and S½;
Secs. 4 to 10, inclusive;
Sec. 14, W½;
Secs. 15, 16, 17, and 18;
Sec. 20, N½;
Sec. 21, N½ and N½S½;
Sec. 22, N½ and N½S½;
Sec. 23, NW¼NW¼.

The areas described aggregate 200,520 acres, more or less, in Dona Ana County.

HOWARD M. GROTBERG,
Acting Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-5863; Filed, May 16, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. A-491]

DOUGLAS S. JOBSON

Notice of Loan Application

MAY 12, 1969.

Douglas S. Jobson, Box 772, Wrangell, Alaska 99929, has applied for a loan from

the Fisheries Loan Fund to aid in financing the purchase of a used 32.9-foot registered length wood vessel to engage in the fishery for salmon, crab, and shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-5881; Filed, May 16, 1969; 8:47 a.m.]

National Park Service

BANDELIER NATIONAL MONUMENT, N. MEX.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Evelyn C. Frey authorizing her to provide concession facilities and services for the public at Bandelier National Monument, N. Mex., for a period of five (5) years from January 1, 1969, through December 31, 1973.

The foregoing concessioner has performed her obligations under the expired contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice. Interested parties should contact the Assistant to the Director for Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: May 9, 1969.

EDWARD A. HUMMEL,
Associate Director, National Park Service.

[F.R. Doc. 69-5864; Filed, May 16, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[P. & S. Docket No. 344]

UNION STOCK YARDS COMPANY OF OMAHA (LTD.)

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on April 1, 1969, continuing in effect to and including June 30, 1970, an order issued on June 24, 1966 (25 A.D. 824), authorizing the respondent, Union Stock Yards Company of Omaha (Ltd.), to assess the current temporary schedule of rates and charges.

By a petition filed on May 5, 1969, the respondent requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requested that the current schedule, as so modified, be continued in effect to and including May 31, 1971.

(A) Amend section 1 *Yardage charges*, in the following respects:

(i) To provide for an increase in basic yardage charges per head, as follows:

	Present rates	Proposed rates
Cattle (except bulls 700 lbs. or over)	$1.20	$1.30
Bulls (minimum 700 lbs. or over)	1.75	1.90
Calves (maximum 400 lbs.)	.69	.74
Hogs	.44	.47
Sheep or goats	.25	.26
Horses or mules	1.20	1.30

(ii) To provide for an increase in the present yardage charges on slaughter livestock consigned direct to packers, as set forth in (c) under "Exceptions" to section 1 and to add the following note thereto:

	Present rates	Proposed rates
Cattle (except bulls 700 lbs. or over)	$0.40	$0.65
Bulls (minimum 700 lbs. or over)	.58	.95
Calves (maximum 400 lbs.)	.23	.37
Hogs	.15	.24
Sheep or goats	.08	.13

NOTE: This item (c) does not apply to weighing for purpose of purchase or sale on any basis; see section 1 (a) and (b) above for applicable charges.

(iii) To amend items (d) and (e) of the "Exceptions" to section 1 to read in full as follows and to increase the yardage charges as proposed:

(d) Livestock resold or reweighed by local market dealers to buyers on the market, other than through a commission firm, in these yards for local delivery will be assessed the following yardage charges:

	Present rates	Proposed rates
Cattle (except bulls 700 lbs. or over)	$0.40	$0.45
Bulls (minimum 700 lbs. or over)	.57	.63
Calves (maximum 400 lbs.)	.23	.25
Hogs	.15	.15
Sheep or goats	.08	.08

(e) Livestock resold or reweighted by local market dealers in these yards for shipment off the market, other than through a commission firm, will be assessed the following yardage charges:

	Present rates	Proposed rates
Cattle (except bulls 700 lbs. or over)	$0.18	$0.20
Bulls (minimum 700 lbs. or over)	.28	.30
Calves (maximum 400 lbs.)	.12	.12
Hogs	.09	.09
Sheep or goats	.03	.03

(B) Amend section 2 *Driving livestock to railroad chutes*, by increasing the various charges in (a) as proposed:

	Present rates	Proposed rates
Cattle or calves	$2.00 per car	$2.25 per car.
Hogs	1.00 per deck	1.15 per deck.
Sheep or goats	1.00 per deck	1.15 per deck.
Horses or mules	2.00 per car	2.25 per car.

and by adding the following additional sentence: "Under this section, 30 cattle, or 60 calves, or 25 horses or mules, or a fraction thereof, constitute a car; while 70 hogs, or 110 sheep or goats, or a fraction thereof, constitute a deck."

(C) By adding a new section, entitled "Use of Facilities and Services," as follows:

For the use of the facilities and services, other than provided for in section 1, the following charges will apply:

	Per head
Cattle (except bulls 700 lbs. or over)	$0.30
Bulls (minimum 700 lbs.)	.50
Calves (maximum 400 lbs.)	.15
Hogs	.10
Sheep or Goats	.06
Horses or Mules	.30

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 10 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of May 1969.

GLENN G. BIERMAN,
Acting Administrator, Packers and Stockyards Administration.

[F.R. Doc. 69-5951; Filed, May 16, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Order Extending Completion Date

Rochester Gas and Electric Corp. having filed a request, dated April 9, 1969, for an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-19 for construction of a 1300 megawatt (thermal) pressurized water nuclear reactor, designated as the Robert Emmett Ginna Nuclear Power Plant Unit No. 1, at the applicant's Brookwood site in Wayne County, N.Y., and good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion date is extended from June 1, 1969, to November 1, 1969.

Date of issuance: May 13, 1969.

For the Atomic Energy Commission.

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

[F.R. Doc. 69-5860; Filed, May 16, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Delegations of Authority

The Secretary's delegations of authority to the Director, Office of Urban Technology and Research, published at 32 F.R. 9325, June 30, 1967, as amended at 33 F.R. 3293, February 22, 1968, and at 34 F.R. 2681, February 27, 1969, are hereby further amended by deleting the title "Director, Office of Urban Technology and Research" wherever it appears and inserting in lieu thereof "Assistant Secretary for Research and Technology".

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This amendment of delegations of authority is effective as of May 14, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-5896; Filed, May 16, 1969; 8:48 a.m.]

HUD OFFICERS AND EMPLOYEES

Revocation of Temporary Suspension of Certain Delegations and Redelegations of Authority To Approve Grants, Contracts, Other Subsidies, Loans, Commitments, or Reservations

The notice published at 34 F.R. 1740, Feb. 5, 1969, relating to the temporary suspension of certain delegations and redelegations of authority to HUD officers and employees to approve, execute, or increase the amount of any grant, contract, subsidy, loan, commitment, or reservation is hereby revoked.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This revocation shall be effective as of May 14, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-5895; Filed, May 16, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20665]

AIR WEST, INC., AND HUGHES TOOL CO.

Notice of Oral Argument

Acquisition of Air West, Inc., by Hughes Tool Co.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 4, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 14, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-5887; Filed, May 16, 1969; 8:48 a.m.]

[Docket No. 16242]

TRANSPACIFIC ROUTE INVESTIGATION (INTERNATIONAL PHASE)

"South Pacific Deferred Phase"; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument on the "South Pacific Deferred Phase" of the above-entitled proceeding,[1] will be heard by the Board on May 20, 1969, at 2 p.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

[1] See order 69-4-90, order 69-4-102, and letter of the President of the United States to the Chairman of the Board, dated Apr. 11, 1969.

Applicants, i.e., American Airlines, Inc., Continental Airlines, Inc., Eastern Air Lines, Inc., and United Air Lines, Inc., will be allotted 15 minutes each with no rebuttal permitted, and will appear in that order.

Intervenors with an interest in the "South Pacific Deferred Phase" will be allotted 5 minutes each upon request to the Chief Examiner's office on or before May 19, 1969. If any other carrier contends that it can be considered an applicant in this phase of the case, it should notify the Chief Examiner's office and other parties to the case before 12 noon, May 19, 1969.

Dated at Washington, D.C., May 15, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-5961; Filed, May 16, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16979; FCC 69-468]

INTERDEPENDENCE OF COMPUTER AND COMMUNICATIONS SERVICES AND FACILITIES

Report and Further Notice of Inquiry Regarding Regulatory and Policy Problems

1. This inquiry was begun by the Commission on its own motion by a notice of inquiry released on November 10, 1966. It was our objective to provide a public forum for the discussion, examination and resolution of a number of regulatory and policy questions that appeared to be emerging from the growing interdependence of computers and communications services and facilities. Accordingly, our notice identified a variety of specific issues with respect to which we invited interested persons to submit information, views and recommendations.

2. In broad outline, the areas of concern addressed by our notice included present and future computer uses of communications facilities and services; the adequacy of existing facilities and services of common carriers; the need for new and improved common carrier offerings; whether and under what circumstances the rendition by common carriers or others of data processing and other computer services involving the use of communications facilities should be free from or subject to governmental regulation; whether and under what conditions the entry into such services by common carriers and others should be controlled; and what measures, if any, are required to be taken by the computer industry, communications common carriers, or Government to protect the privacy of data stored in computers or transmitted over communications facilities. The date of March 5, 1968, was fixed for the submission of such responses.

3. We received about 60 responses representing a broad cross section of interest in computers and communications. Responses came from trade associations, Government agencies, professional organizations, communications common carriers, computer manufacturers, computer service organizations, computer users and others. In some instances, we were given extensive, well researched and comprehensive presentations. In other cases, respondents submitted thoughtful and provocative delineations of specific problems affecting their particular interests. Virtually all respondents acknowledged the timeliness of the inquiry because of the currency and importance of the problems which were arising out of the interaction of computer and communications technologies. They stressed a need to deal with the adaptation of existing communications services, regulations, facilities and practices to the data communications requirements now arising out of the growing use of computers and computer technology.

4. Since the inception of the inquiry in November 1966, a number of developments have occurred which are relevant to, and have impact upon, the issues involved in the computer inquiry. We therefore are of the view that it would be timely and useful to a proper public understanding of the current status of the inquiry and the issues involved therein to review these developments as they affect those issues and the Commission's regulatory responsibilities and required actions.

5. As indicated above, the notice of inquiry brought forth useful data and comment from a broad cross-section of interests. Our review of the responses made it clear that our available internal resources would not be sufficient to give the responses the expert treatment and attention which was necessary to assure the comprehensive consideration and analysis demanded by the matters involved.[1] We decided that research funds available could be usefully employed for an independent and expert study which would evaluate the responses and make recommendations to the Commission. We contracted with the Stanford Research Institute to conduct such a study.

6. SRI's study has now been completed. Its results are encompassed in a series of seven reports which have been published and are available to the public. The reports consist of summaries and analyses of the responses in the inquiry; information added by SRI to the material in the responses; a discussion of decision-making and research techniques SRI proposes as additional regulatory tools; and SRI's conclusions and recommendations as to the disposition or further regulatory treatment of the issues in the inquiry. Copies of the SRI study may be purchased from Clearing House for Federal Scientific and Technical Information of the Department of Commerce or may be inspected at the offices of the Commission in Washington, D.C.[2]

7. The Commission has not yet fully evaluated the findings and recommendations of SRI in the context of our regulatory responsibilities and the objectives and issues of the computer inquiry. In connection with this evaluation and the determinations yet to be made by us as to the further regulatory actions that may be required, we will welcome and are inviting comments on the SRI reports from respondents to this inquiry or any other persons who may be interested.

8. Although our evaluation of the responses to the inquiry and the SRI reports remains to be completed, we are in a position to make certain observations concerning the results thus far accomplished by the inquiry and the posture of the issues involved therein. First, it is evident that the responses as well as the SRI study provide the Commission and all segments of the computer and communications industries with a more informed basis upon which to gain an understanding of the problems that arise out of the growing interdependence of computers and communications. Second, both the responses and the SRI study serve as a significant point of departure for the more definitive identification and further consideration of the specific issues which confront the Commission and the industry and which must be resolved if communications and computer technologies are to be amalgamated in a fashion which will most effectively serve the public interest. Third, as will be noted hereinafter, the inquiry has already generated constructive actions by the communications common carriers in response to certain of the specific problems which have been crystallized by the responses to the inquiry. Fourth, the responses to the inquiry and the SRI study have enabled us to relate constructively various proceedings already instituted by the Commission with respect to the tariff rates, regulations, and practices of the common carriers to the problems arising out of the interaction of computers and communications. Fifth, the inquiry has pointed up those problems involved in the computer use of communications which need to be made the subject of further proceedings by the Commission, or which require the development of more information and experience before we can decide what measures can or should be taken to assure that the public interest will be served in this important field.

9. One subject which was already under examination by the Commission in a pending proceeding but which, nevertheless, evoked substantial comment from a number of respondents, concerned the tariff provisions of the telephone companies forbidding attachment of customer-owned devices and the interconnection of private communications systems with the common carrier switched network. The then existing tariff limitations against attachments and interconnection were held to be unlawful by the Commission in its decision in the Matter of Use of Carterfone Device in Message Toll Telephone Service, Docket No. 16942, 13 FCC 2d 420, June 26, 1968, petition for reconsideration denied, 14 FCC 2d 571, September 11, 1968.

10. Subsequently, the telephone companies filed revised tariffs which were allowed to become effective on January 1, 1969. These revisions, in effect, opened up the switched network to the interconnection of customer-owned devices and systems subject, however, to various conditions and limitations specified in the tariffs. At that time we made no determination as to the lawfulness of the revised tariffs, but we did recognize that there were a number of objections to various features of the new tariffs which warranted further consideration. Among other things, it was claimed that certain regulations of the new tariffs unduly restricted or interfered with the use of the switched communications network for computer purposes. Some of the questions are of a substantial nature and remain to be resolved. Nevertheless, the lifting of the ban on interconnection of customer-owned equipment and systems will expand greatly competitive opportunity for the manufacture and sale of peripheral and special communications equipment and systems for use in connection with the switched network.

11. By our memorandum opinion and order of December 24, 1968, we instructed the Chief of the Common Carrier Bureau to convene a series of technical and engineering conferences, to be participated in by all interested parties, for the purpose of considering the various questions. It is expected that the conferences will determine what further tariff modifications might be warranted and implemented without formal action by the Commission, or whether formal hearings should be held on unresolved issues. The Chief of the Common Carrier Bureau has begun to bring together representatives of all interests concerned with these problems.[3]

12. Thus, the problems arising out of restrictions on attachments and interconnection of customer-owned communications equipment and systems which may affect computer uses as well as other

[1] In its response, the Association for Computing Machinery, a professional organization in the field of computer technology, offered its assistance to the Commission. We accepted the ACM's offer, and it developed and presented to the Commission and its staff a series of seminars dealing with the technical aspects of computer use and the nature of the growing involvement of communications with computers. The seminars provided a most useful background for our consideration of the issues involved in the inquiry.

[2] By publishing the SRI reports, the Commission is not necessarily accepting, approving or rejecting any of SRI's conclusions and recommendations. As an independent research organization, SRI bears full responsibility for the content of the reports.

[3] The Commission will use the resources of a professional organization if suitable arrangements can be made, to assure maximum expert technical advice and objectivity in dealing with the problems.

uses of the switched network are included within the scope of proceedings now underway. Computer interests are participating in these proceedings, and all those having an interest in these matters should communicate their views to the Chief of the Common Carrier Bureau.

13. One important consequence of the growing dependence of computer technology and use upon communications is that new questions have been raised regarding the rate structures and practices of communications common carriers. Respondents in the inquiry expressed various views regarding the adequacy or suitability of the carriers offerings for data transmission. For example, there is considerable complaint regarding the 3-minute minimum rate schedule applicable to message toll telephone service. Because large volumes of data can be transmitted over the switched network in bursts which consume seconds rather than minutes, the 3-minute minimum is regarded as uneconomical. In response, AT&T will shortly introduce a 1-minute initial period rate schedule on a trial basis in a limited number of locations. The offering will be available to both voice and data users of the switched network at substantial savings.

14. Computer technology has cast in an entirely new light existing restrictions upon customer sharing of communications facilities. Here again our inquiry has revealed that, so far as computer use of communications services is concerned, current tariff restrictions upon sharing are regarded as defeating the efficient and economic use of common carrier facilities and running counter to the developing needs of data users. Data users are not the only ones who have objected to limitations upon sharing of communications facilities. A partial response to the concerns expressed by the respondents in the inquiry is found in AT&T's recently filed tariff liberalizing the sharing of private line circuits of voice grade or less bandwidth.[4] Certain aspects of sharing regulations of the carriers are under examination in the Telpak Sharing case, Docket No. 17457, which is currently in a decisional status;[5] other aspects will be the subject of hearings in the private line rate investigation instituted on July 16, 1968, in Docket No. 18128. We intend to look to the responses of those who may communicate their views regarding the SRI reports to see if there is need for other proceedings or actions with respect to tariff provisions which affect sharing of communications facilities and services.

15. The most notable regulatory problem raised by the respondents and discussed by SRI in its study arises out of the rendition of data processing services by common carriers, and the provision of what are claimed to be communications services by unregulated data processing organizations. This problem breaks down into a number of issues. The first of these is whether communications common carriers should be permitted to sell data processing services and, if so, what safeguards should be imposed to insure that the carriers will not engage in anticompetitive or discriminatory practices. On the other side, we have the problem of the extent to which unregulated data processing organizations should be permitted to sell communications as a part of a data processing package not subject to regulation. This situation leads to the difficult problem of separating by definition what are communications services and what are data processing services. There does not appear to be any public need or demand for regulation of what is generally understood to constitute data processing. However, serious differences arise over what to do when data processing is part and parcel of a mixed offering which includes communication type functions, most notably message switching.

16. SRI contends that for the immediate future we should limit our regulatory action to assuring that in leasing facilities to Western Union for its use in furnishing data processing services, no preference is given to Western Union by AT&T compared to the terms upon which such facilities are supplied by AT&T to its other customers. SRI also advises that we keep a close watch on how other carriers operate their data services. Many of the respondents take a more urgent view of this problem, a number of them advocating that carriers be either totally barred from providing data processing services or subjected to rigorous safeguards designed to separate unregulated data processing services from regulated communications activities.

17. An aspect of this arose in connection with our consideration of Western Union's SICOM and INFOCOM tariffs. We allowed these tariffs to go into effect but without prejudice to our further examination of the question of regulation of computer functions and communications services. (In the Matter of Western Union Telegraph Co. Tariff FCC No. 251 Applicable to SICOM Service 11 FCC 201.) We will shortly initiate an appropriate proceeding as a basis for definitive decisions as to what requirements shall be imposed upon carriers with respect to data services; and whether computer services which involve data communications should be subject to regulation whether engaged in by carriers or others, and the specific form of any such regulation.

18. Privacy and security of data during both transmission and storage in computer memory are extremely important to many of those who answered the computer inquiry. We intend to give further consideration to the needs which may exist in this area and to the regulatory actions which may be required. We believe it would be best, however, to obtain more information regarding present and future needs and the technical, operational and economic implications involved in meeting those needs. Until we have given further analysis to the problem, we are leaving open for the time being the question of specific regulatory or other actions which might be usefully taken to assure privacy and security of data.

19. Responses to the inquiry and the SRI study have also pointed out an increasing number of technological problems relating to the adequacy of existing communications facilities to meet the needs of the growing computer technology. Thus, they raise questions as to the need for a digital transmission network designed specifically for data communications requirements, the need for greater transmission speed and accuracy, the need for greater variety of bandwidth configurations, the need for more sophisticated equipment to assure security of data, and the need for development of domestic satellite networks for data communications requirements and many others. Although the data produced by the computer inquiry and the SRI study provide a most valuable point of departure, more definitive and comprehensive technical data relative to these needs must be developed.

20. We are in an era of rapidly advancing technologies and an ever-present demand for expanded, improved, and new communications capabilities. In these circumstances, it is inevitable that difficulties and conflicts will arise as computer and communications technologies encounter each other as has happened during the past decade. The regulatory processes of Government, of course, stand ready to assist in the resolution of these problems and this inquiry is one example of regulatory initiative. However, of major importance is the establishment and maintenance of an appropriate dialogue between computer interests and communications common carriers so as to give each a better understanding of the existing and prospective needs, capabilities and limitations of the other. By this process, constructive accommodation can be reached for the benefit of all thereby minimizing the need for regulatory action and maximizing the effectiveness of voluntary, responsible actions within the private sector.

21. The computer inquiry has been a valuable first step toward making available to all concerned relevant and reliable information on a continuing basis. As an ongoing process, we intend to acquire data and information related to technological developments and trends in data communications. SRI underscores the need for systematic collection of such data as vital to the Commission, industry and computer users in understanding and anticipating problem areas. We are already taking steps to supplement the data accumulated in the computer inquiry in a number of areas. In addition, we propose to enlist the cooperation and participation of industry and professional organizations as part of the continuing effort to maintain an

[4] A new limited trial offering of a wideband private line service, providing, among other features, for unlimited customer sharing was recently filed by AT&T to be effective July 1, 1969. The Commission has not yet taken any action with respect to this tariff.

[5] A recommended decision was issued in this matter by the Chief of the Common Carrier Bureau on Apr. 25, 1969.

effective program for the public exposure of relevant data and the treatment of specific problems. The specific framework for these activities will be determined after opportunity for consultation. Here again, we will welcome specific suggestions from interested persons.

In summary, the computer inquiry has been an effective vehicle for the identification and better understanding by Government, industry, and computer users of the problems spawned by the confluence of computer and communication technologies which has taken place in the past decade. Certain of these problems have been, or are being, effectively dealt with in other proceedings before the Commission or by voluntary action taken by the industry. The treatment of other problems requires further proceedings or the acquisition of more information and experience before we can decide what further actions, if any, may be needed. Finally, we intend to establish procedures for the continued collection and evaluation of reliable data concerning existing and prospective developments in the data communications field.

We propose to keep this inquiry open for the filing by interested persons of:

(a) Comments regarding the SRI study, its information, conclusions, and recommendations;

(b) Comments and recommendations regarding the methods which will best promote the continuous availability of relevant and reliable technical and other information related to the interdependence of computers and communications.

Comments, proposals, and recommendations should be filed with the Commission not later than June 24, 1969. Upon consideration of these submissions, we will take such further actions as may then be indicated.

Adopted: May 1, 1969.

Released: May 9, 1969.

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

[F.R. Doc. 69-5888; Filed, May 16, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

P. D. MARCHESSINI & CO. (NEW YORK), INC., AND KOREA MARINE TRANSPORT CO., LTD.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. J. J. Magrino, P. D. Marchessini & Co. (New York), Inc., 26 Broadway, New York, N.Y.

Agreement No. 9794 is a through billing arrangement between the initial carrier, Korea Marine Transport Co., Ltd., and the delivering carrier, P. D. Marchessini & Co. (New York), Inc., applicable to cargo moving from Korea to the Atlantic Coast of the United States with transshipment in Japanese ports, in accordance with the terms and conditions set forth in the agreement.

Dated: May 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5886; Filed, May 16, 1969; 8:47 a.m.]

P. D. MARCHESSINI & CO. (NEW YORK), INC., AND CHUN KYUNG SHIPPING CO., LTD.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. J. J. Magrino, P. D. Marchessini & Co. (New York), Inc., 26 Broadway, New York, N.Y.

Agreement No. 9795 is a through billing arrangement between the initial carrier, Chun Kyung Shipping Co., Ltd., and the delivering carrier, P. D. Marchessini & Co. (New York), Inc., applicable to cargo moving from Korea to the Atlantic Coast of the United States with transshipment in Japanese ports, in accordance with the terms and conditions set forth in the agreement.

Dated: May 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5892; Filed, May 16, 1969; 8:47 a.m.]

SOUTH CHICAGO DOCK LEASING CO. AND TRANSOCEANIC TERMINAL CORP.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John F. Donelan, Donelan, Cleary, and Caldwell, 914 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.

Agreement No. T-182-2 between South Chicago Dock Leasing Co., a division of the Youngstown Sheet and Tube Co. (Present Youngstown), Transoceanic Terminal Corp. (Transoceanic), and South Chicago Dock Leasing Co., a division of Youngstown Sheet and Tube Co. (New Youngstown) amends the basic agreement between Present Youngstown and Transoceanic which provides for the lease of certain terminal property in Chicago. The purpose of the amendment is to assign the interest of South Chicago Dock Leasing Co., a division of The Youngstown Sheet and Tube Co., Lessor under the agreement, to South

* Commissioner Wadsworth absent; Commissioner Johnson concurring in the result.

Chicago Dock Leasing Co., a division of Youngstown Sheet and Tube Co. This assignment is being made is connection with the agreement of merger between Lykes Corp. and The Youngstown Sheet and Tube Co., pursuant to which all of the assets of The Youngstown Sheet and Tube Co. are to be transferred to a wholly owned subsidiary of The Youngstown Sheet and Tube Co., which subsidiary will also assume all of the obligations and liabilities of The Youngstown Sheet and Tube Co.

Dated: May 14, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-5893; Filed, May 16, 1969; 8:48 a.m.]

WEST COAST OF INDIA AND PAKISTAN/U.S.A. CONFERENCE

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. William L. Hamm, Secretary, West Coast of India and Pakistan/U.S.A. Conference, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8040-7, between the member lines of the West Coast of India and Pakistan/U.S.A. Conference, modifies the basic agreement by amending the Preamble to extend the application of the agreement to cover ports in Puerto Rico and the Virgin Islands on cargo moving on through bills of lading for transshipment at U.S. Atlantic or Gulf of Mexico ports in accordance with approved transshipment agreements in instances in which cargoes are transshipped on vessels of nonconference carriers.

Dated: May 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5894; Filed, May 16, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3620, etc.]

J. R. WELCH ET AL.

Findings and Order

MAY 7, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, cancelling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successors co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, 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.

Coy Burnett, Applicant in Docket No. CI69-585, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-3699 to be made pursuant to Atlantic Richfield Co. FPC Gas Rate Schedule No. 303. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI62-23. Therefore, Applicant will be made co-respondent in said proceedings; the proceeding will be redesignated accordingly; and Applicant will be required to file 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 said proceeding.

Sinclair Oil Corp., Applicant in Docket No. CI69-812, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-12353 to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 197. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI68-2, and Applicant has filed a motion to be made co-respondent in said proceeding. Therefore, Applicant will be made co-respondent in the proceeding pending in Docket No. RI68-2 and the proceeding will be redesignated accordingly. Applicant has heretofore filed a general agreement and undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

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, a notice of intervention by the New York Public Service Commission and petitions to intervene by the Long Island Lighting Co., The Brooklyn Union Gas Co. and Consolidated Edison Company of New York, Inc., were filed in Docket No. CI69-585, in the matter of the application filed on December 16, 1968, in said docket. The notice of intervention and the petitions to intervene 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 May 1, 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. CI69–771 and CI69–775 should be canceled and that the applications filed therein should be treated as petitions to amend the orders issuing certificates in Dockets Nos. G–5739 and CI64–1452, respectively.

(6) 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 the following dockets should be amended as hereinafter ordered and conditioned:

G–3072	G–11479	CI64–298
G–3620	G–12353	CI64–1452
G–3621	G–14893	CI65–228
G–3699	G–20138	CI65–1159
G–3894	CI60–176	CI65–1354
G–4971	CI61–1265	CI67–358
G–5316	CI61–1569	CI68–156
G–5716	CI62–193	CI68–686
G–5739	CI62–594	CI69–279
G–7223	CI62–1335	CI69–495
G–7643	CI63–1460	CI69–583
G–7858	CI64–151	CI69–591

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more full 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.

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

(9) 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.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding pending in Docket No. RI69–349 should be terminated only with respect to Pan American Petroleum Corp. FPC Gas Rate Schedule No. 209.

(11) The revenues received for sales at the increased rate under Pan American Petroleum Corp. FPC Gas Rate Schedule No. 165 which were collected subject to refund in Docket No. RI63–231 are de minimis; and, therefore, the proceeding pending in Docket No. RI63–231 should be terminated, and Pan American should be relieved from any refund obligation with respect to such sales.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings pending in Dockets Nos. RI67–51, RI68–9, RI68–618, RI69–502, and RI69–506 should be redesignated to reflect the change in name of the respondent from U.S. Natural Gas Corporation to U.S. Natural Resources, Inc.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Coy Burnett should be made a co-respondent in the proceeding pending in Docket No. RI62–23, that said proceeding should be redesignated accordingly, and that he should be required to file an agreement and undertaking in said proceeding.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sinclair Oil Corp. should be made a co-respondent in the proceeding pending in Docket No. RI68–2 and that said proceeding should be redesignated accordingly.

(15) 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) The initial rates for sales authorized in Dockets Nos. G–3894, G–7223, G–11479, CI69–803, and CI69–804 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(b) Within 90 days from the date of initial delivery Applicants in Dockets Nos. G–3894, G–7223, G–11479, CI69–803, and CI69–804 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(c) Applicants in Dockets Nos. CI69–803 and CI69–804 shall advise the Commission of any contemplated processing of the gas under Article II, section 2 of the subject contracts.

(d) The initial rate for the sale authorized in Docket No. CI68–156 shall be 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, Applicant thereupon may substitute the new rate reflecting the amount of such increase and thereafter collect the new rate prospectively in lieu of the initial rate herein authorized in said docket.

(e) The initial rate for the sale authorized in Docket No. CI69–495 shall be 17 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment. Further, the certificate is 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) In the event that Applicant in Docket No. CI69–823 exercises the option to sell gas from additional wells to a third party pursuant to section 1, paragraph 4, of the contract, Applicant shall so advise the Commission at least 30 days prior to such sale or disposition.

(g) The authorization granted in Docket No. CI61–1265 involving the sale

of gas by Southern Union Production Co., to its affiliate, Southern Union Gathering Co., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(H) The acceptance for filing of the related rate filing in Docket No. CI69–780 is contingent upon Applicant's filing three copies of a billing statement as required by the regulations under the Natural Gas Act.

(F) The orders issuing certificates in Dockets Nos. G–3894, G–5716, G–7223, G–7643, G–11479, G–20138, CI61–1265, CI64–298, CI65–228, CI65–1159, CI68–156, CI68–686, CI69–495, and CI69–591 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(G) The orders issuing certificates in Dockets Nos. G–3072, G–3699, G–5316, G–12353, and G–14893 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69–780, CI69–585, CI65–1159, CI69–812, and CI69–508, respectively.

(H) Dockets Nos. CI69–771 and CI69–775 are canceled.

(I) The orders issuing certificates in Dockets Nos. G–3620, G–3621, G–4971, G–5739, G–7858, CI60–176, CI62–193, CI62–1335, CI64–151, CI64–1452, CI65–1354, CI69–279, and CI69–583 are amended by substituting the successors in interest as certificate holders.

(J) The orders issuing certificates in Dockets Nos. CI61–1569, CI62–594, CI63–1460, and CI67–358 are amended to reflect the change in corporate name as indicated in the tabulation herein.

(K) 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.

(L) Permission for and approval of the abandonment in Docket No. CI69–830 shall not be construed to relieve Applicant of any refund obligation incurred in the related rate suspension proceeding pending in Docket No. RI67–295.

(M) Permission for and approval of the abandonment are granted in Docket No. CI69–850 and the related certificate in Docket No. G–13633 is terminated only with respect to Union Producing Co. FPC Gas Rate Schedule No. 163. Applicant shall not be relieved of any refund obligation in the related rate suspension proceeding pending in Docket No. RI69–333.

(N) The certificates heretofore issued in Dockets Nos. G–11053, G–12059, G–14224, G–17039, G–19340, CI61–450, CI62–311, CI62–521, and CI64–774 are terminated.

(O) The rate suspension proceeding pending in Docket No. RI69–349 is terminated only with respect to Pan American Petroleum Corp. FPC Gas Rate Schedule No. 209.

(P) The rate suspension proceeding pending in Docket No. RI63–231 is terminated and Pan American Petroleum Corp. is relieved from any refund obligation in said docket.

(Q) The proceedings pending in Dockets Nos. RI67–51, RI68–9, RI68–618, RI69–502, and RI69–506 are redesignated to reflect the change in name of the respondent from U.S. Natural Gas Corp. to U.S. Natural Resources, Inc.

(R) Coy Burnett is made a co-respondent in the proceeding pending in Docket No. RI62–23, and said proceeding is redesignated accordingly.

(S) Within 30 days from the issuance of this order, Coy Burnett shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI62–23 to assure the refund of any amounts collected by him, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(T) Coy Burnett 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. RI62–23 shall remain in full force and effect until discharged by the Commission.

(U) Sinclair Oil Corp. is made a co-respondent in the proceeding pending in Docket No. RI68–2 and said proceeding is redesignated accordingly. Sinclair shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(V) 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–3620 ..... E 3–10–69	J. R. Welch (successor to Carl D. and Edith Rhyne Jackson, d.b.a. Jackson Brothers).	Cabot Corp., Murphy District, Ritchie County, W. Va.	Carl D. and Edith Ryhne Jackson, d.b.a. Jackson Brothers, FPC GRS No. 2.	4	.....
			Supplement Nos. 1–3	4	1–3
			Notice of succession 3–1–69.		
			Assignment 12–31–59.[1]	4	4
			Effective date: 12–31–59		
G–3621 ..... E 3–10–69	do	do	Carl D. and Edith Rhyne Jackson, d.b.a. Jackson Brothers, FPC GRS No. 4.	5	.....
			Supplement Nos. 1–3	5	1–3
			Notice of succession 3–1–69.		
			Assignment 12–31–59.[1]	5	4
			Effective date: 12–31–59		
G–3894 ..... C 2–6–69	Atlantic Richfield Co.[3]	El Paso Natural Gas Co., Langlie Mattix Field, Lea County, N. Mex.	Supplemental agreement 12–5–68.[2]	62	15
G–4971 ..... E 3–10–69	Dr. W. B. Wright et al. (successor to Frederick Oil & Gas Co.).	Cabot Corp., Murphy District, Ritchie County, W. Va.	Frederick Oil & Gas Co., FPC GRS No. 1.	1	.....
			Notice of succession 3–1–69.		
			Assignment 6–10–66.[1]	1	1
			Effective date: 6–10–66		
G–5716 ..... D 5–6–68 D 6–6–68	Northern Natural Gas Producing Co.	Northern Natural Gas Co., Hugoton Field, Stevens and Haskell Counties, Kans.	Notice of partial cancellation 5–3–68.[4]	2	104
			Notice of partial cancellation 5–3–68.[5]	2	105
			Notice of partial cancellation 5–3–68.[5]	2	106
			Notice of partial cancellation 6–5–68.[5] [6]	2	107
G–5739 ..... (CI69–771) E 2–10–69 [9]	Western Oil & Minerals Corp. (successor to John A. Egan).	El Paso Natural Gas Co., South Blanco Pictured Cliffs Field, San Juan County, N. Mex.	John A. Egan, FPC GRS No. 1.	3	.....
			Supplement Nos. 1–4	3	1–4
			Notice of succession (Undated).		
			Assignment 2–3–69	3	5
			Effective date: 1–1–69		
G–7223 ..... C 2–5–69	Standard Oil Co. of Texas, a division of Chevron Oil Co.[3]	El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	Supplemental agreement 12–5–68.[2]	3	15
G–7643 ..... D 5–20–68	Mobil Oil Corp.	Northern Natural Gas Co., Hugoton Field, Stevens County, Kans.	Assignment 1–25–68.[1] [10]	282	12
G–7858 [11] ..... E 3–10–69	Oral D. Smith (successor to McIntosh & Grimm).	Cabot Corp., Sherman District, Calhoun County, W. Va.	Hays and Co., Agent for McIntosh & Grimm, FPC GRS No. 250.[12]	315	.....
			Supplement Nos. 1–3	315	1–3
			Notice of succession 3–1–69.		
			Assignment 2–23–55 [13]	315	4
			Assignment 3–16–63 [13]	315	5
			Effective date: 3–16–63		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Sucession.
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.
G-11479..... C 3-7-69	Pan American Petroleum Corp. (Operator) et al.[4]	El Paso Natural Gas Co., Justis Field, Lea County, N. Mex.	Supplemental agreement 2-21-69.[5]	168	23
G-20138..... C 3-6-69 [12]	Pubco Petroleum Corp.	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	Supplemental agreement 12-10-68.[5]	4	20
CI69-176..... E 3-19-69	David E. Scull (successor to Richard A. Teichman, Jr.).	Cabot Corp., Burning Springs District, Wirt County, W. Va.	Richard A. Teichman, Jr., FPC GRS No. 1.	1	.....
			Notice of succession 3-1-69.	1	.....
			Assignment 9-9-66 [1]	1	1
			Effective date: 9-9-66.		
CI61-1265..... C 3-5-69 [13]	Southern Union Production Co.	Southern Union Gathering Co., acreage in San Juan County, N. Mex.	Supplemental agreement 12-2-68.	3	35
			Supplemental agreement 3-5-69.[5] [14]	3	1-35
CI61-1569..... 1-6-69 [17]	U.S. Natural Resources, Inc. (formerly U.S. Natural Gas Corp.).	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	U.S. Natural Gas Corp., FPC GRS No. 1.	1	.....
			Supplements Nos. 1-2.	1	1-2
			Effective date: 11-1-68.		
CI62-193..... E 2-24-69	Betz Oil, Inc. (Operator) et al. (successor to McWood Corp. (Operator) et al.).[15]	Kansas-Nebraska Natural Gas Co., Inc., Flat Top Shawnee Field, Converse County, Wyo.	McWood Corp. (Operator) et al., FPC GRS No. 7.	3	.....
			Supplement s Nos. 1-2.	3	1-2
			Notice of succession 2-20-69.	.....	
			Assignment 3-1-67 [16]	3	3
			Assignment 6-3-68 [16]	3	4
			Effective date: 6-1-68.		
CI62-594..... 1-6-69 [17]	U.S. Natural Resources, Inc. (formerly U.S. Natural Gas Corp.).	Mountain Fuel Supply Co., Joyce Creek and Pretty Water Fields, Sweetwater County, Wyo.	U.S. Natural Gas Corp., FPC GRS No. 2.	2	.....
			Supplement Nos. 1-6.	2	1-6
			Effective date: 11-1-68.		
CI62-1338..... E 1-31-69	J. Gregory Merrion et al. (successor to Fred W. Pool (Operator) et al., d.b.a. Durango Syndicate).	El Paso Natural Gas Co., Ignacio Field, La Plata County, Colo.	Fred W. Pool (Operator) et al., d.b.a. Durango Syndicate, FPC GRS No. 1.	8	.....
			Supplement Nos. 1-7.	8	1-7
			Notice of succession 1-14-69.	.....	
			Assignment 11-22-68.	8	8
			Effective date: 12-1-68.		
CI63-1460..... 1-6-69 [17]	U.S. Natural Resources, Inc. (formerly U.S. Natural Gas Corp.).	Western Transmission Corp., Cow Creek and Cherokee Creek Fields, Carbon County, Wyo.	U.S. Natural Gas Corp., FPC GRS No. 3.	3	.....
			Supplement Nos. 1-5.	3	1-5
			Effective date: 11-1-68.		
CI64-151..... E 3-10-69	E. A. Dawson et al. (successor to Smith & Barker Oil & Gas Co., Inc.).	Cabot Corp., Sheridan District, Calhoun County, W. Va.	Smith & Barker Oil & Gas Co., Inc., FPC GRS No. 23.	1	.....
			Notice of succession 3-1-69.	.....	
			Assignment 8-11-64 [1]	1	1
			Effective date: 8-11-64.		
CI64-298..... D 1-19-69	Humble Oil & Refining Co.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Labbe Field, Duval County, Tex.	Notice of partial cancellation 11-20-68.[18]	341	5
			Effective date: 12-21-68.		
CI64-1432..... (CI69-775) E 2-10-69 [19]	Western Oil & Minerals Corp. (successor to John A. Egan).	El Paso Natural Gas Co., South Blanco Pictured Cliffs Field, San Juan County, N. Mex.	John A. Egan, FPC GRS No. 5.	4	.....
			Supplement Nos. 1-4.	4	1-4
			Notice of succession (undated).	.....	
			Assignment 2-3-69.	4	5
			Effective date: 1-1-69.		
CI65-228..... D 3-28-69	Horizon Oil & Gas Co. of Texas (partial abandonment).	Baca Gas Gathering System, Inc., Flank, Greenwood, and Midway Fields, Baca County, Colo.	Supplemental agreement 2-25-69.[5] [20]	1	4

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.
F CI65-1159..... (G-5316) C 3-19-69 [12]	Tenneco Oil Co. et al.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	Supplemental agreement 2-25-69.[5] [21]	176	19
CI65-1354..... E 11-21-68	Ray A. Jones (successor to Quaker State Oil Refining Corp.).	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	Quaker State Oil Refining Corp., FPC GRS No. 9.	2	.....
			Notice of succession (undated).	.....	
			Assignment 10-21-68 [1]	2	1
			Effective date: 1-1-68.		
CI67-358..... 1-6-69 [17]	U.S. Natural Resources, Inc. (formerly U.S. Natural Gas Corp.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Desert Springs Area, Sweetwater County, Wyo.	U.S. Natural Gas Corp., FPC GRS No. 4.	4	.....
			Supplement Nos. 1-4.	4	1-4
			Effective date: 11-1-68.		
CI68-158..... C 2-24-69 [12]	Mobil Oil Corp.	Natural Gas Pipeline Co. of America, Northeast Custer City Field, Custer County, Okla.	Amendment 1-23-68.	404	2
			Amendment 11-1-68 [1]	[22] 404	3
CI68-686..... D 2-13-69	Mobil Oil Corp. (Operator) et al.	Texas Eastern Transmission Corp., Shiloh Field, Union Parish, La.	Notice of cancellation 2-11-69.[5] [23]	413	4
CI69-279..... E 2-27-69	Camino Oil Corp. (successor to Viking Drilling Co.).	Florida Gas Transmission Co., Citrus Grove Field, Matagorda County, Tex.	Viking Drilling Co., FPC GRS No. 2.	5	.....
			Supplement Nos. 1-3.	5	1-3
			Notice of succession 2-25-69.	.....	
			Assignment 9-13-68 [1]	5	4
			Effective date: 9-1-68.		
CI69-495..... C 2-27-69 [12]	Texaco, Inc.	Natural Gas Pipeline Co. of America, West Lorena Field, Texas County, Okla.	Amendment 2-14-69 [1]	[22] 434	1
CI69-508..... (G-14893) F 11-12-68	G. E. Kadane & Sons (successor to L. B. Porter et al.).	United Gas Pipe Line Co., Maxie Pistol Ridge Field, Forrest County, Miss.	Agreement 11-1-68 [24]	4	.....
			Contract 4-13-55 [24]	4	1
			Amendment 3-27-68 [24]	4	2
			Assignment 1-30-68 [24]	4	3
			Assignment 1-30-68 [24]	4	4
			Effective date: 2-1-68.		
CI69-583..... E 2-24-69	Prudent Resources Trust (successor to J. R. McDonald).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Placedo Field, Victoria County, Tex.	J. R. McDonald, FPC GRS No. 1.	1	.....
			Supplement Nos. 1-4.	1	1-4
			Notice of succession 2-20-69.	.....	
			Assignment 11-20-68 [16]	1	5
CI69-585..... (G-3699) F 12-16-68 [12]	Coy Burnett (successor to Atlantic Richfield Co.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Mustang Island Field, Nueces County, Tex.	Contract 7-22-53.	1	.....
			Notice of change 7-27-61. [2] [25]	1	1
CI69-891..... C 3-3-69 [12]	J. C. Baker & Son, Inc.	Equitable Gas Co., Collins Settlement District, Lewis County, W. Va.	Letter agreement 2-20-69.[5]	6	1
CI69-778..... (CI64-298) B 11-19-68 [17]	M. A. Riddle and James Gottlieb.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Labbe Field, Duval County, Tex.	Notice of cancellation 11-18-68.[5] [26]	.....	
CI69-780..... (G-3072) P 2-17-69	Warren B. Pinney, Jr. (successor to Humble Oil & Refining Co.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Kohler Field, Duval County, Tex.	Contract 8-1-52 [27]	1	.....
			Amendment 2-25-60.	1	1
			Amendment 7-1-64.	1	2
			Assignment 10-31-68 [11]	1	3
			Effective date: 11-1-68.		
CI69-801..... (CI61-450) B 2-20-69	Atlantic Richfield Co.	Transcontinental Gas Pipe Line Corp., Clegby Field, Lafourche Parish, La.	Notice of cancellation 2-18-69. [1] [28]	220	4
CI69-803..... A 2-26-69	Pennzoil United, Inc.[3]	Transwestern Pipeline Co., South Carlsbad Area, Eddy County, N. Mex.	Contract 2-12-69 [1]	22	.....

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69-804 A 2-26-69	Steteo '68, Ltd.[4]	do	Contract 2-13-69 [5]	1	
CI69-812 (G-12353) F 2-27-69	Sinclair Oil Corp. (successor to Humble Oil & Refining Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Contract 3-19-56 [6] Supplement 7-16-57 Supplement 2-26-62 Amendment 5-11-67 Assignment 21-2-68 [66] Effective date: 12-2-68	402 402 402 402 402	 1 2 3 4
CI69-817 (G-19340) B 2-28-69	Trice Production Co. (Operator) et al.	Florida Gas Transmission Co., West Helen Gohlke Field, De Witt County, Tex.	Notice of cancellation 2-26-69 [7] [8]	13	2
CI69-822 (G-14224) B 3-3-69	Pan American Petroleum Corp.	Cities Service Gas Co., Northeast Rhodes Field, Barber County, Okla.	Notice of cancellation 2-27-69 [7] [8]	[67] 209	5
CI69-823 A 3-3-69	Van Oil Co.	Pennsylvania Gas Co., Wetmore Township, McKean County, Pa.	Contract 2-27-69	1	
CI69-824 A 3-3-69 [9]	Lendel Rogers et al., d.b.a. Rogers and Scull.	United Fuel Gas Co., Washington District, Calhoun County, W.Va.	Contract 1-22-69 [5]	9	
CI69-826 A 3-3-69 [9]	Texaco, Inc.	Northern Natural Gas Co., Share Field, Hansford County, Tex.	Contract 12-13-68 [5]	430	
CI69-828 (G-11053) B 3-3-69	Pan American Petroleum Corp.	Jernigan & Morgan Transmission Co., East Victor Field, Lincoln County, Okla.	Notice of cancellation 2-27-69 [7] [8]	[68] 165	5
CI69-830 (CI62-821) B 3-4-69	J. C. Truban, Drilling Contractor, Inc.	Texas Gas Transmission Corp., West Monroe Field, Union, Ouachita and Morehouse Parishes, La.	Notice of cancellation 3-4-69 [7] [10]	18	6
CI69-835 A 3-5-69 [9]	Sinclair Oil Corp.	Diamond Shamrock Corp., Farnsworth Field, Ochiltree County, Tex.	Contract 2-17-69 [5]	403	
CI69-839 A 3-7-69 [9]	Brookwood Oil Co. (Operator) et al.	Northern Natural Gas Co., Ivanhoe Field, Beaver County, Okla.	Contract 1-9-69 [5]	1	
CI69-843 A 3-10-69 [9]	Pan American Petroleum Corp.	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla.	Contract 1-20-69 [5]	532	
CI69-844 A 3-10-69 [9]	Crown Petroleum, Inc.	Northern Natural Gas Co., Hansford (Lower Morrow) Field, Hansford County, Tex.	Contract 1-31-69	3	
CI69-846 (CI64-774) B 3-7-69	Skelly Oil Co.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Notice of cancellation (Undated) [7] [8]	193	1
CI69-848 (CI62-311) B 3-6-69	Vierson & Cochran	Cities Service Gas Co., acreage in Grant County, Okla.	Notice of cancellation 3-5-69 [7] [8]	3	2
CI69-850 (G-13633) [47] B 3-26-69	Union Producing Co.	United Gas Pipe Line Co., Monroe Field, Ouachita and Morehouse Parishes, La.	Notice of cancellation 2-24-69 [7] [8]	[69] 163	16
CI69-852 (G-17039) B 3-7-69	Amerada Petroleum Corp.	Panhandle Eastern Pipe Line Co., Southwest Lerado Field, Reno County, Kans.	Notice of cancellation 3-4-69 [7] [8]	73	3
CI69-855 (G-12067) B 3-7-69	Sabianna Oil Co., Inc., et al.	United Gas Pipe Line Co., Panola Field, Panola County, Tex.	Notice of cancellation 3-4-69 [7] [8]	1	3

[1] Instrument whereby Applicant acquired the properties involved.
[2] By letter filed Mar. 6, 1969, Applicant agreed to accept permanent authorization conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[3] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[4] Assignment No. N-6326-AG. Assigns acreage to Petroleum, Inc., which advised the Commission that a test well was nonproductive.
[5] Assignment No. N-6326-AL. Assigns acreage to Helmerich & Payne, Inc. (Helmerich & Payne has advised that the acreage was nonproductive).
[6] Assignment No. N-6326-AM. Assigns acreage to Helmerich & Payne, Inc. (Helmerich & Payne has advised that the acreage was nonproductive).
[7] Assignment No. N-6326-AN. Assigns acreage to Helmerich & Payne, Inc., and Southern Natural Gas Co. (Helmerich & Payne, Inc., has advised that the acreage was nonproductive).
[8] Effective date: Date of this order.
[9] Application erroneously assigned Docket No. CI69-771 will be treated as a petition to amend the order issuing a certificate in Docket No. G-8729 and Docket No. CI69-771 will be canceled.
[10] Deletes acreage in sec. 15, T. 3N S., R. 3W. assigned to Aikman Bros. Corp.
[11] The certificate was issued in the name of McIntosh & Grimm but the related FPC GRS No. 3 was redesignated as Hays and Co., Agent for McIntosh and Grimm FPC GRS No. 250.
[12] From McIntosh & Grimm to Dolph Fowler.
[13] From Dolph Fowler to Oral D. Smith.
[14] Applicant has agreed to accept permanent authorization conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[15] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[16] Deletes indefinite pricing provisions with regard to acreage covered by supplemental agreement Dec. 2, 1968.
[17] Amendment to the certificate to reflect change in name only.
[18] Predecessor to Occidental Petroleum Corp.; Occidental never made filings to cover the subject acreage.
[19] From McWood Corp. to Occidental Petroleum Corp.
[20] From Occidental Petroleum Corp. to Betz Oil, Inc. (Operator) et al.
[21] Contains assignment dated June 6, 1968, whereby Humble transferred certain acreage to M. A. Riddle. Riddle filed to abandon sales from this acreage in Docket No. CI69-773.
[22] Application erroneously assigned Docket No. CI69-775 will be treated as a petition to amend the order issuing a certificate in Docket No. CI64-1452 and Docket No. CI69-775 will be canceled.
[23] Source of gas depleted.
[24] Provides for deletion of various expired leases, some of which were previously productive.
[25] Covers a 25 percent working interest in certain acreage which was previously committed under contract dated Jan. 22, 1953, comprising Skelly Oil Co. (Operator) et al., FPC GRS No. 46. The Feb. 26, 1969, amendatory agreement deletes this interest from the Skelly contract of Jan. 22, 1953, and commits it along with the remaining 75 percent not previously dedicated to Tenneco's contract comprising its FPC GRS No. 176.
[26] Contract rate is 17 cents; however, Applicant is willing to accept permanent authorization at an initial rate of 15.082 cents (14.73 p.s.i.a.) subject to B.t.u. adjustment, which is equivalent to 15 cents at 14.65 p.s.i.a.
[27] Nonproductive lease expired by its own terms on Jan. 4, 1969, and returned to landowners.
[28] Contract rate is 18.5 cents subject to upward and downward B.t.u. adjustment; however, Applicant is willing to accept permanent authorization conditioned to 17 cents subject to upward and downward B.t.u. adjustment.
[29] Kadane and United agree that gas produced from the acquired acreage shall be exclusively subject to the Apr. 13, 1955, contract. This acreage also dedicated to Gulf Oil Corp. FPC GRS No. 77 (Docket No. G-7188), Humble Oil & Refining Co. FPC GRS No. 110 (Docket No. G-8836), and Marathon Oil Co. FPC GRS No. 16 (Docket No. G-11821).
[30] Between L. B. Porter and United; on file as L. B. Porter et al., FPC GRS No. 1.
[31] Dedicates additional acreage.
[32] Assigns acreage from L. B. Porter to G. E. Kadane & Sons.
[33] Assigns acreage from L. B. Porter et al., to Kadane & Sons to various depths.
[34] Assigns acreage from J. R. McDonald to Prudent Resources Trust.
[35] Applicant is filing to cover its interest in formation below 8,000 feet originally covered by contract dated July 22, 1963 between Cay Burnett and Tennessee; currently on file as Atlantic Richfield Co. FPC GRS No. 338. When Atlantic filed in Docket No. G-3699 to reflect its acquisition of interest above 8,000 feet, the filing was inadvertently processed as a complete succession.
[36] Provides for a price of 17.24347 cents per Mcf.
[37] Applicants propose to abandon sale of gas from acreage acquired from Humble Oil & Refining Co. in Docket No. CI64-298 (partially succeeds Humble's FPC GRS No. 341). Riddle and Gottlieb never received certificate authorization to cover the subject sale; therefore, the order issuing a certificate in Docket No. CI64-298 will be amended by deleting therefrom authorization to sell natural gas from the subject acreage.
[38] Production of gas no longer economically feasible.
[39] Contains assignment dated June 6, 1968, whereby Humble transferred certain acreage to M. A. Riddle. Humble filed to reflect deletion of the acreage from its FPC GRS No. 341 in Docket No. CI64-298.
[40] Between Humble Oil & Refining Co. and Tennessee; on file as Humble Oil & Refining Co. FPC GRS No. 11.
[41] Assigns acreage from Humble to Warren B. Pinney, Jr., to a depth of 2,520 feet.
[42] By letter filed Mar. 7, 1969, Applicant agreed to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[43] Currently on file as Humble Oil & Refining Co. FPC GRS No. 197.
[44] Assigns interest from Humble Oil & Refining Co. to Sinclair Oil Corp.
[45] Rate of 14 cents suspended in Docket No. RI69-349; therefore, the related rate suspension proceeding pending in Docket No. RI69-349 will be terminated only with respect to Pan American's FPC GRS No. 209.
[46] Rate of 10 cents in effect subject to refund in Docket No. RI63-231; Applicant had collected $73 prior to abandonment of well; therefore, the rate suspension proceeding pending in Docket No. RI63-231 will be terminated.
[47] Other sales covered under Docket No. G-13633; therefore, the certificate in said docket will be terminated only insofar as it covers Union's FPC GRS No. 163.
[48] Rate of 12 cents effective subject to refund in Docket No. RI69-333.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent _____)

Docket No. _____

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding

and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. _____, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this _____ day of _____, 196__.

(Name of Respondent)
By _____

Attest:

_____

[F.R. Doc. 69-5758; Filed, May 16, 1969; 8:45 a.m.]

[Project 2264]

CHATANIKA POWER CO., INC.

Notice of Application for Surrender of License for Constructed Project

MAY 12, 1969.

Public notice is hereby given that application for surrender of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Chatanika Power Co., Inc. (correspondence to: Donald J. Lofquist, Lofquist & Lofquist, 606 Norton Building, Seattle, Wash. 98104), for constructed Project No. 2264, located on the Chatanika River in the Fourth Judicial Division, Alaska, in the vicinity of Chatanika, and affecting lands of the United States.

While the license was issued for a then constructed project, facilities of the project were destroyed in a 1967 flood, and the project works have been removed.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 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. 69-5875; Filed, May 16, 1969; 8:46 a.m.]

[Project 2670]

CITY OF EAU CLAIRE, WIS.

Notice of Application for License for Constructed Project

MAY 12, 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 city of Eau Claire, Wis. (correspondence to: R. E. Wachs, city attorney, city of Eau Claire, City Hall, Eau Claire, Wis. 54701) for constructed Project No. 2670, known as the Dells Project, located on the Chippewa River, in the city of Eau Claire in Eau Claire County, and towns of Hallie and Wheaton, in Chippewa County, Wis.

The existing Dells Project consists of: (1) A concrete dam with a 396-foot spillway and 13 tainter gates; (2) a reservoir extending about 8½ miles upstream with a surface area of 1,100 acres at a normal pool elevation of 795 feet above mean sea level; (3) a 162-foot long main powerhouse section integral with the dam containing five generating units (combined capacity 8,400 kw.); (4) a 61-foot wide concrete section at right angle from the dam extending 285 feet upstream and downstream along the left shore comprising flumes, bulkheads, and intakes for two auxiliary powerhouses each containing two generating units which provide an additional 1,800 kw. of capacity; (5) three proposed boat-launching sites and other recreational facilities; and (6) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 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. 69-5876; Filed, May 16, 1969; 8:46 a.m.]

[Docket No. CP69-290]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application

MAY 12, 1969.

Take notice that on May 6, 1969, The Manufacturers Light and Heat Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP69-290 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Cameron Gas Co. (Cameron), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to commence the sale and delivery of up to 1,100 Mcf of natural gas per day to Cameron on a firm basis through an existing point of interconnection in Liberty District, Marshall County, W. Va. Cameron resells and distributes natural gas in and around the city of Cameron, W. Va.

Applicant states that Cameron required the proposed service to supplement its own decreasing production reserves.

No new facilities will be required.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 9, 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. 69-5877; Filed, May 16, 1969; 8:46 a.m.]

[Project 2672]

PACIFIC POWER & LIGHT CO.

Notice of Application for License for Constructed Project

MAY 12, 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 Pacific Power & Light Co. (correspondence to: E. Robert deLuccia, Senior Vice President, Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204) for constructed Project No. 2672, known as the Naches Project, located on Naches River in Yakima County, Wash., in the region of the city of Yakima and town of Naches.

The existing Naches Project consists of: (1) A log boom diversion and intake

structure; (2) a concrete-lined power canal (known locally as the "Wapatox" Canal) about 8.2 miles long serving two power plants in tandem; (3) Drop Plant located 4.8 miles from intake of the power canal, operating under 54 feet of head and consisting of: (a) An 8-foot diameter steel penstock, 340 feet long; (b) a concrete powerhouse containing a generator rated at 1,400 kw.; and (c) a concrete-lined spillway, for bypass of plant; (4) Naches Plant (located 3.4 miles from Drop Plant) operating under approximately 150 feet of head and consisting of (a) two penstocks, each 545 feet long—one of steel, 6-foot diameter and one, partly wood stave, 8-foot diameter; (b) a concrete powerhouse containing two generators rated 3,000 kw. and 3,370 kw., respectively; (c) a concrete lined spillway for bypass of plant; and (d) an 800-foot long tailrace excavated in rock and earth; (5) a 12 kv., 3-mile long transmission line connecting the two plants; (6) landscaped parkway and picnic tables; and (7) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 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. 69-5878; Filed, May 16, 1969; 8:47 a.m.]

[Docket No. CP69-291]

SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 12, 1969.

Take notice that on May 7, 1969, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP69-291 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 facilities necessary for the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following facilities:

(1) Approximately 39.2 miles of 30-inch pipeline (approximately 37.2 miles of which will be loop line) extending from a point in the vicinity of United Gas Pipe Line Co.'s (United) Bayou Sale Compressor Station near Shadyside, La., to Applicant's White Castle Compressor Station;

(2) Approximately 38.5 miles of 30-inch loop pipeline extending from a point on Applicant's existing White Castle-Franklinton pipeline to Applicant's Franklinton Compressor Station;

(3) A 30-inch pipeline crossing of the Mississippi River near Applicant's White Castle Compressor Station;

(4) A new 3,600 horsepower compressor station, to be called the Shadyside Compressor Station, to be located in the vicinity of United's Bayou Sale Station on Applicant's line proposed in (1) above, and

(5) An additional 5,400 compressor horsepower at Applicant's existing White Castle Compressor Station.

Applicant states that by Commission order issued March 14, 1969, in Docket No. CP69-48, Sea Robin Pipeline Co. (Sea Robin) was authorized to construct and operate certain offshore Louisiana gas supply facilities and to sell gas to Applicant and United at an onshore delivery point near Erath, La. The three companies have entered into an exchange arrangement whereby Applicant and United have agreed to exchange volumes of natural gas at Erath and Bayou Sale with Sea Robin delivering gas to United for Applicant's account at Erath and United delivering equivalent volumes to Applicant at Bayou Sale. The application indicates that the construction of the facilities proposed will eliminate the necessity of constructing the facilities proposed by Applicant in pending Docket No. CP69-46.

Applicant further states that since the volumes of gas available to Sea Robin for sale to Applicant (and therefore available for delivery by United to Applicant) initially may be substantially less than the 354,000 Mcf per day capacity of the subject proposed facilities, Applicant requests authority to construct said proposed facilities over a 3-year period.

The application indicates the estimated cost of the proposed project to be $26,370,900, which cost will be financed initially by bank loans which will be repaid from cash from current operations and/or from permanent financing.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 9, 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 Commssion 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. 69-5879; Filed, May 16, 1969; 8:47 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

HOUSEHOLD PRODUCTS PRESENTING HEALTH AND SAFETY RISK

Notice of Hearing

Notice is hereby given that pursuant to section 3(a) of Public Law 90-146 (81 Stat. 466), the National Commission on Product Safety will hold public hearings at 9:30 a.m. on June 17, 1969, in Portland, Oreg., and June 19 and 20, 1969, in Los Angeles, Calif. Further information on the specific location of these hearings will be published subsequently in the FEDERAL REGISTER.

The subject of the hearings will be: Function and effectiveness of State and local laws in insuring the safety of household products. The subject will include consideration of the following:

(i) Scope, adequacy, and enforcement of State and local laws.

(ii) Uniformity, or lack of uniformity, of State and local laws and its effect on manufacturers and consumers.

(iii) The relationship of the Federal, State, and local governments to the promotion of product safety and the role of each in enacting and enforcing product safety statutes.

(iv) The feasibility of product testing facilities at the State and local level.

(v) Effectiveness of State and local laws in insuring safety of goods moving in interstate commerce.

(vi) Effectiveness of State and local laws in insuring safety of imported goods.

(vii) Utilization of the capabilities and resources of States and localities in promoting safety of household products.

Interested persons are invited to attend and participate by the submission of written statements. Such statements should be furnished to the Commission at its office, 1016 16th Street NW., Washington, D.C. 20036, not later than June 9, 1969. Such statements will be made a part

of the record of the hearings and will be available for inspection by the public.

Interested persons desiring to offer oral testimony at these hearings should advise the Commission and file written statements setting forth the substance of their proposed testimony by June 9, 1969. The Commission will attempt to grant such requests to the extent time permits.

Persons desiring to furnish oral testimony or to submit statements at subsequent Commission hearings are invited to so advise the Commission in writing specifying the proposed subject of their testimony and group affiliation, if any.

Dated: May 14, 1969.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 69-5885; Filed, May 16, 1969; 8:47 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

MINIATURE AND INSTRUMENT PRECISION BALL BEARINGS

Importation; Submission of Material in Connection With Investigation

On February 7, 1969, the Director of the Office of Emergency Preparedness issued a notice (34 F.R. 2162) that an investigation would be conducted, pursuant to section 232 of the Trade Expansion Act of 1962 and OEP Regulation No. 4, to determine whether Miniature and Instrument Precision Ball Bearings are being imported into the United States in such quantities or under such circumstances as to threaten to impair national security. That notice provided that interested parties could submit any comment, opinion, or data relative to the investigation within 45 days after the date of that notice, and that rebuttal to that material could be filed within 75 days after that date. Those filing dates were subsequently changed to April 25, 1969, for statements, May 26, 1969, for rebuttals, and June 11, 1969, for all data and comments and for the closing of the file.

The applicant for this investigation, the Anti-Friction Bearing Manufacturers Association, has waived the right to file a rebuttal to the comment, opinion, and data which have been submitted in response to the foregoing.

Pursuant to the provisions of section 8 of OEP Regulation No. 4, I hereby find that national security interests require that this investigation be concluded as promptly as feasible, and hereby give notice that any rebuttal or other material which any party proposes to submit in connection with this investigation should be submitted within 15 days after the date of publication of this notice in the FEDERAL REGISTER. The file in this investigation will be closed as of that date.

Dated: May 15, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-5952; Filed, May 16, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (New York), Amdt. 2]

NEW YORK AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134), Delegation of Authority No. 30 (New York Area), 33 F.R. 10673, as amended (33 F.R. 15141), is hereby further amended by:

1. Revising Item I.E.1. to read as follows:

I. *Area Coordinators.* * * *

E. *Financial Assistance Coordinator—*

1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Busisess Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

2. Revising Items II.B. 4 and 5 and adding thereto a new Item II.B.6, to read as follows:

II. Regional Directors. * * *

B. *Development company assistance.* * * *

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator
By: ----------
Regional Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing,

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on an interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

3. Revising Items II.C., II.D., II.F.2, and II.G.12, to read as follows:

II. Regional Directors. * * *

C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).* * * *

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community

emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

G. *Supervisory Loan Officer and/or Assistance Team Leader.* * * *

12. *Eligibility determination for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

4. Revising Items II.1. 3 and 4 and adding thereto a new Item II.1.5, to read as follows:

II. *Regional Directors.* * * *

I. *Chief, Development Company Assistance Division.* * * *

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(Name), Administrator

By: ----------
(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

* * * * * *

5. Revising Item III.12 to read as follows:

III. *Branch Manager — Buffalo, N.Y.* * * *

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitation to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

Effective date: December 31, 1968.

CHARLES H. KRIGER,
Area Administrator,
New York Area.

[F.R. Doc. 69-5865; Filed, May 16, 1969; 8:45 a.m.]

R & D CAPITAL CO.

Notice of Surrender of License

Notice is hereby given that the Small Business Administration accepted on April 14, 1969, the surrender of the license issued to R & D Capital Co., San Leandro, Calif. (License No. 12/12-0107).

The surrender acceptance followed the merger of R & D Capital Co. into Western Business Assistance Corp. (License No. 12/12-0034), and approval of such merger by SBA on April 14, 1969.

Dated: May 9, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-5866; Filed, May 16, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 833]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 14, 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 1756 (Sub-No. 15 TA), filed May 9, 1969. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, N.J. 07105. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles* on mechanically automated trailers and special tractors, from Millville, Salem, and Cliffwood, N.J., to The F. & M. Schaefer Brewing Co. plants at Brooklyn and Albany, N.J., for 180 days. Supporting shipper: The F. & M. Schaefer Brewing Co., 430 Kent Avenue, Brooklyn, N.Y. 11211. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 107515 (Sub-No. 659 TA), filed May 9, 1969. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., 3901 Jonesboro Road, Post Office Box 308, Forest Park, Ga. 30050. 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: *Pizza pie ingredients*, in straight or mixed shipments, and *pizza store supplies* when in mixed shipments with pizza pie ingredients, from Nashville, Tenn., to Bessemer, Birmingham, and Huntsville, Ala.; Little Rock, Ark.; Pensacola, Fla.; Atlanta, Ga.; Chicago, Ill.; Evansville, Ind.; Bowling Green, Louisville, and Paducah, Ky.; Shreveport, La.; Jackson, Miss.; Kansas City, Mo.; Asheville, Greensboro, and Hickory, N.C.; Cincinnati and Toledo, Ohio; Oklahoma City, Okla.; Charleston, S.C.; Dallas, Houston, and San Antonio, Tex.; Lynchburg, Richmond, Roanoke, and Norfolk, Va.; Charleston, W. Va., for 150 days. Supporting shipper: Pepe's Pizza, a division of Wholesale Pizza Co., Post Office Box 7654, Nashville, Tenn. 37209. 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 107541 (Sub-No. 27 TA), filed May 9, 1969. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukie, Oreg. 97222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, boards and sheets, with added resin binder, and fiberboard*, from points in Oregon to points in California, for 180 days. NOTE: Applicant intends to tack with No. MC 107541. Supporting shippers: Diamond Lumber Co., Post Office

Box 192, Tillamook, Oreg.; J. E. Higgins Lumber Co., 99 Bayshore Boulevard, Post Office Box 3161, San Francisco, Calif.; Industrial Lumber Co., Inc., Terminal Sales Building, Portland, Oreg.; Patrick Lumber Co., Terminal Sales Building, Portland, Oreg.; Tree Products Co., Post Office Box 280, Lake Oswego, Oreg.; Pacific Coast Hardwoods, Inc., Post Office Box 296, North Portland, Oreg. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 108676 (Sub-No. 27 TA), filed May 9, 1969. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, Central Building, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exhaust pots or mufflers; exhaust and tail pipe*, with or without fittings, from the plantsite and storage facilities of the Maremont Corp. at or near Loudon, Tenn., to points in Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Colorado, Kansas, Nebraska, South Dakota, Texas, Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, and Vermont, for 180 days. Supporting shipper: Maremont Corp., 168 North Michigan Avenue, Chicago, Ill. 60601. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 114969 (Sub-No. 28 TA), filed May 7, 1969. Applicant: PROPANE TRANSPORT, INC., 1734 State Route 131, Milford, Ohio 45150. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Robinson, Ill., to points in that part of Indiana south and west of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to Kentland, Ind., thence along U.S. Highway 52 to Lafayette, Ind., thence along Indiana Highway 26 to Rossville, Ind., thence along Indiana Highway 39 to Frankfort, Ind., thence along Indiana Highway 28 to junction U.S. Highway 31 to Sellersburg, Ind., and thence along U.S. Highway 31E to Jeffersonville, Ind., including points on the indicated portions of the highways specified, for 180 days. Supporting shipper: Warren Petroleum Corp., Post Office Box 1589, Tulsa, Okla. 84102. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 124174 (Sub-No. 71 TA), filed May 7, 1969. Applicant: MOMSEN TRUCKING CO., Highways 71 and 18 North, Spencer, Iowa 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, chromes, crusts, and pelts and pieces thereof*, (a) between points in Minnesota, South Dakota, Iowa, Nebraska, North Dakota, and St. Joseph and Phelps City, Mo.; (b) from points as set forth in (a) above to points in Kentucky, Tennessee, West Virginia, Virginia, Hazelwood, N.C., and Buford, Ga., for 180 days. NOTE: Applicant intends to tack with MC 124174, and Subs 18, 22, and 28. Supporting shippers: Bolles & Rogers, Inc., 709 South 13th Street, Omaha, Nebr. 68102; Needham Packing Co., Sioux City, Iowa 51101; Spencer Packing Co., Spencer, Iowa 51301. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 126198 (Sub-No. 5 TA), filed May 9, 1969. Applicant: EARL MICHAUD, 133 Birch Street, Kingsford, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, namely, beer and ale; and carbonated beverages, namely, soda water, seltzer, and soft drinks*, from Fort Wayne, Ind., to Bessemer, and Houghton, Mich., and from Milwaukee, Wis., to Munising, Mich., and return movements with *empty containers*, for 180 days. Supporting shippers: John H. Gatiss, Jr., owner Gatiss Distributing Agency, Munising, Mich. 49862; Seraphino Fior, owner Fiori Beverage Co., Bessemer, Mich. 49911. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 129433 (Sub-No. 2 TA), filed May 9, 1969. Applicant: EDWARD W. EMERT, doing business as J. & E. CASKET DISTRIBUTORS, Route No. 2, Stones River Road, Lavergne, Tenn. 37086. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, burial cases, casket displays, and other funeral supplies*, between Nashville, Tenn., and points in New York, for 180 days. Supporting shipper: National Casket Co., Inc., 121 Woodland Street, Nashville, Tenn. 37213. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 133382 (Sub-No. 1 TA), filed May 7, 1969. Applicant: JACQUES POULIOT, doing business as POULIOT TRANSPORT, St. Camille, Bellechasse County, Quebec, Canada. Applicant's representative: Frank J. Weiner, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood shingles, and wood laths*, from ports of entry on the United States-Canada boundary line at or near Jackman, Maine; Derby Line, Beecher Falls, Highgate Springs, and Norton Mills, Vt.; and Rouses Point, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Delaware, restricted to traffic originating at points in Montmagny and L'Islet Counties, Quebec, and restricted to a transportation service to be performed under a contract or continuing contracts with Clermont Pelletier, Longueuil, Chambly County, Quebec, for 180 days. Supporting shipper: Clermont Pelletier, 295 De Chateauguay, Longueuil, Chambly County, Quebec. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 133621 (Sub-No. 1 TA), filed May 5, 1969. Applicant: FRONTIER ROCK & SAND, INC., doing business as FRONTIER TRANSPORTATION COMPANY, 608 West Fourth Avenue, Anchorage, Alaska 99501. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in or in connection with the discovery, management, producing, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and their byproducts; and (2) *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operations, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking up thereof, between points within Alaska, except points in the panhandle south of Haines, Alaska, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 133660 (Sub-No. 1 TA), filed May 5, 1969. Applicant: JEFMOR TRUCKING CO., INC., 50-08 Morence Lane, Little Neck, N.Y. Applicant's representative: George A. Olsen, 69 Tonnelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, materials, equipment, and supplies* used or useful in the manufacture or sale of paint, in containers in insulated equipment, between the facilities and manufacturers of Proctor Paint & Varnish Co., at New York, N.Y., and Yonkers, N.Y., on the one hand, and, on the other, Hartford, Conn.; Providence, R.I.; Boston, Mass.; Nashua, N.H.; Bangor, Maine; Burlington, Vt.; Little Falls, N.J.; York, Pa.; Cleveland, Ohio; Chicago, Ill.; St. Louis, Mo.; Baltimore, Md.; Washington, D.C.; Richmond, Va.; Indianapolis, Ind.; Los Angeles, Calif.; under contract with Proctor Paint & Varnish Co., at Yonkers, N.Y., for 150 days. Supporting shipper,

Proctor Paint & Varnish Co., Inc., Yonkers, N.Y. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133705 TA, filed May 7, 1969. Applicant: FLETCHER'S FOOD SERVICE, INC., 1403 West Fifth Street, Pratt, Kans. 67124. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, dry acids and chemicals, in bulk, and liquid commodities, in bulk, in tank vehicles), from Pratt, Kans., to points within the continental United States lying east of the Mississippi River, for 180 days. Supporting shipper: Armour & Co., 401 North Wabash, Chicago, Ill. 60611. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

MOTOR CARRIER OF PASSENGERS

No. MC 84690 (Sub-No. 22 TA), filed May 9, 1969. Applicant: NORTHERN PACIFIC TRANSPORT COMPANY, 176 East Fifth Street, St. Paul, Minn. 55101. Applicant's representative: James A. Anderson, 1018 Northern Pacific Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express and newspaper*, between Bozeman, Mont., and Logan, Mont., over Interstate Highway 90, serving no intermediate points, for 180 days. NOTE: Applicant intends to tack with its existing authority at Logan, Mont. Supporting shipper: North Pacific Railway Co., Missoula, Mont. Send protests to: District Supervisor A. E. Rather, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

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

[F.R. Doc. 69-5889; Filed, May 16, 1969; 8:48 a.m.]

[Notice 345]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 14, 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-71231. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Bee Line Transportation Inc., Billings, Mont., of the operating rights in certificates Nos. MC-115931, MC-115931 (Sub-No. 3), and MC-115931 (Sub-No. 13) issued September 6, 1957, June 2, 1964, and August 28, 1967, respectively, to Babcock & Lee Transportation, Inc., Billings, Mont., and transferred to Tim M. Babcock, doing business as Babcock Transportation Co., Billings, Mont., pursuant to No. MC-FC-70094, authorizing the transportation, over irregular routes, of lumber from points in Big Horn, Rosebud, Flathead, Ravolli, Granite, and Missoula Counties, Mont., generally to points in Minnesota, South Dakota, Illinois, Iowa, and Wisconsin, and prefabricated steel buildings and parts from Monticello, Iowa, and points within 10 miles thereof, and Galesburg, Ill., and points within 10 miles thereof, to points in Montana and Wyoming. Jerome Anderson, Post Office Box 1215, Billings, Mont. 59103, attorney for applicants.

No. MC-FC-71262. By order of May 1, 1969, the Motor Carrier Board approved the transfer to Edlin Bros., Inc., New Haven, Ky., of permits Nos. MC-123371 and MC-123371 (Sub-No. 2) issued July 27, 1961 and April 13, 1966, respectively, to J. F. Edlin, Charles R. Edlin, and Joseph G. Edlin, doing business as J. F. Edlin and Sons, New Haven, Ky., authorizing the transportation of: Used empty whiskey barrels, and wooden barrels and parts, between points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Tennessee. James E. Bondurant, 108 South Walters Avenue, Hodgenville, Ky. 42748, attorney for applicants.

No. MC-FC-71272. By order of May 1, 1969, the Motor Carrier Board approved the transfer to Robert E. Mack, Carl Brown, Sophie R. Mack, Estelle M. Funk, and Theresa R. Molloy, doing business as Mack Transportation Co., Philadelphia, Pa., of certificate No. MC-10223 and permits Nos. MC-105809 and MC-105809 (Sub-No. 11), issued January 5, 1967, January 5, 1967, and December 30, 1966, respectively, to Robert E. Mack, Harry Robson, Carl Brown, Sophie R. Mack, and Estelle M. Funk, doing business as Mack Transportation Co., Philadelphia, Pa., authorizing the transportation of general commodities, with the usual exceptions between points in Philadelphia, Pa.; such commodities as are dealt in by chain retail and mail-order department stores, plumbing and heating supplies, general commodities, coal tar products, in bulk, in tank vehicles, between and from and to Philadelphia and Tullytown, Pa., to points in Pennsylvania, New Jersey, Maryland, Delaware, New York, and Connecticut; and radios, televisions, phonographs, tape recorders, advertising materials, household appliances and related accessories therefor when moving in connection therewith, between King of Prussia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and Maryland (except Baltimore, Md.). Dual operations were authorized. V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109, attorney for applicants.

No. MC-FC-71278. By order of May 1, 1969, the Motor Carrier Board approved the transfer to Wichita Air Cargo Delivery, Inc., 6247 Indianapolis Avenue, Wichita, Kans. 67211, of certificate No. MC-121567 (Sub-No. 1), issued December 9, 1965, to Grey Transfer & Storage, Inc., 6247 Indianapolis Avenue, Wichita, Kans. 67211, authorizing the transportation of general commodities, with the usual exceptions, between Wichita Municipal Airport, Wichita, Kans., on the one hand, and, on the other, points in Butler, Cowley, Harvey, Kingman, Reno, Sedgwick, and Sumner Counties, Kans., and Kay County, Okla., except points within 25 miles of the Wichita Municipal Airport, restricted to traffic having a prior or subsequent movement by air.

No. MC-FC-71293. By order of May 1, 1969, the Motor Carrier Board approved the transfer to Washington Coast Lines, Inc., Aberdeen, Wash., of the operating right in certificate No. MC-52330 issued March 29, 1957, to Harbor Lines, Inc., Hoquiam, Wash., and acquired by Grays Harbor Lines, Inc., Aberdeen, Wash., pursuant to approval and consummation in No. MC-FC-69838, authorizing the transportation of passengers and their baggage, and express, newspapers and mail in the same vehicles with passengers, between Olympia and Hoquiam, Wash., between Elma and Chehalis, Wash., and between Chehalis and South Bend, Wash., serving intermediate and offroute points. Jack L. Burtch, 106 East First Street, Aberdeen, Wash. 98520, attorney for applicants.

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

[F.R. Doc. 69-5890; Filed, May 16, 1969; 8:48 a.m.]

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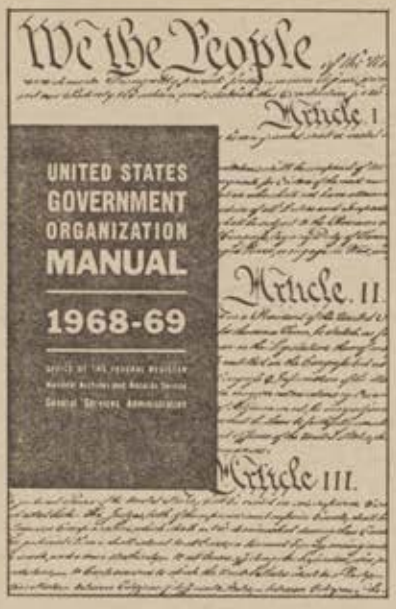

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