FEDERAL REGISTER

VOLUME 34 • NUMBER 96

Tuesday, May 20, 1969 • Washington, D.C.

Pages 7891–7954

PART I

(Part II begins on page 7945)

Agencies in this issue—

Detailed list of Contents appears inside.

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Contents

(Continued on next page)

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.

3 CFR

PROCLAMATION
3912... 7895

5 CFR

213 (2 documents)... 7897

7 CFR

905... 7897
910... 7897
944... 7898
1006... 7898
1201... 7899

12 CFR

217... 7899

14 CFR

71 (2 documents)... 7899
384... 7900
PROPOSED RULES:
71... 7915
250... 7915

16 CFR

13 (5 documents)... 7900–7903
PROPOSED RULES:
408... 7917

18 CFR

2... 7904

21 CFR

121 (2 documents)... 7906, 7907

24 CFR

200... 7909

28 CFR

0... 7906
45... 7906

29 CFR

697... 7907

32 CFR

41... 7909
80... 7909
101... 7910

35 CFR

119... 7910

41 CFR

19–60... 7905
50–201... 7946
50–204... 7946

46 CFR

PROPOSED RULES:
Ch. II... 7915

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3912

PRAYER FOR PEACE, MEMORIAL DAY, 1969

By the President of the United States of America

A Proclamation

On Memorial Day it is customary for Americans to honor the memory of their fellow countrymen who have died in the defense of freedom. Meditating on their sacrifices, we honor not only their memory but also the principles of justice and freedom for which they gave their lives.

Yet honor is not enough. Although we cannot change the pattern of the past, we must do all we can to create a pattern of justice and peace for the future.

The Congress, by a joint resolution of May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period during such day when the people of the United States might unite in such supplication.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Memorial Day, Friday, May 30, 1969, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in such prayer.

I urge the press, radio, television, and all other information media to cooperate in this observance.

I urge also that on this consecrated day, all the people of America offer their prayers to the Almighty to make reason and good will prevail so that peace can once again bless our nation.

As a special mark of respect for those Americans who have given their lives in the tragic struggle in Vietnam, I direct that the flag of the United States be flown at half-staff all day on Memorial Day, instead of during the customary forenoon period, on all buildings, grounds, and naval vessels of the Federal Government throughout the United States and all areas under its jurisdiction and control.

I also request the Governors of the States and of the Commonwealth of Puerto Rico and the appropriate officials of all local units of government to direct that the flag be flown at half-staff on all public buildings during that entire day, and request the people of the United States to display the flag at half-staff from their homes for the same period.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of May, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-6043; Filed, May 16, 1969; 3:08 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that the positions of the Executive Director and Deputy Executive Director of the President's Commission on Personnel Interchange are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (e) is added under § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(e) *President's Commission on Personnel Interchange.*

(1) The Executive Director.

(2) One Deputy Executive 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. 69-5958; Filed, May 19, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the position of Special Assistant to the Secretary (Communications) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (32) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

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

(32) One Special Assistant to the Secretary (Communications).

* * * * *

(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. 69-5959; Filed, May 19, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

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

[Grapefruit Reg. 67, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos 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 committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking 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; and this amendment relieves restrictions on the handling of seedless grapefruit grown in Florida.

Order. In § 905.506 (Grapefruit Reg. 67, 33 F.R. 14066, 14169, 17893, 18429), paragraph (a) (3) is deleted and the introductory text of paragraph (a) (2) and the provisions of paragraphs (a) (2) (iv) and (a) (2) (v) are amended to read as follows:

§ 905.506 Grapefruit Regulation 67.

(a) * * *

(2) During the period May 16, 1969, through September 14, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada or Mexico:

* * * * *

(iv) Any seedless grapefruit, grown in Regulation Area I, which are smaller than 3 7/16 inches in diameter except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Grapefruit; or

(v) Any seedless grapefruit, grown in Regulation Area II, unless such grapefruit grade at least Improved No. 2 and are not smaller than 3 9/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Grapefruit: *Provided,* That seedless grapefruit, grown in Regulation Area II, which grade at least U.S. No. 1 Golden may be shipped if such grapefruit are not smaller than 3 7/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Grapefruit.

* * * * *

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

Dated, May 14, 1969, to become effective May 16, 1969.

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

[F.R. Doc. 69-5946; Filed, May 19, 1969; 8:48 a.m.]

[Lemon Reg. 373; Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(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 amendment 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 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 lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 910.673 (Lemon Reg. 34 F.R. 7569) are hereby amended to read as follows:

§ 910.673 Lemon Regulation 373.

* * * * *

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

(ii) District 2: 316,200 cartons.

* * * * *

(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. 69-5947; Filed, May 19, 1969; 8:48 a.m.]

[Grapefruit Reg. 10, Amdt. 2]

PART 944—FRUITS; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 10 (§ 944.106, 33 F.R. 14365, 17895) are hereby amended as follows:

The introductory text of paragraph (a) and paragraph (a)(2) are amended to read as follows:

§ 944.106 Grapefruit Regulation 10.

(a) On and after May 16, 1969, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2." shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of U.S. No. 1 grade as to shape (form) and color) and be of a size not smaller than 3$^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit: *Provided,* That seedless grapefruit which grade at least U.S. No. 1 Golden may be imported if such grapefruit are not smaller than 3$^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Grapefruit.

* * * * *

It is hereby 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 time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 67 (§ 905.506); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

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

Dated: May 14, 1969, to become effective May 16, 1969.

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

[F.R. Doc. 69-5945; Filed, May 19, 1969; 8:48 a.m.]

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

[Milk Order 6]

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Upper Florida marketing area (7 CFR Part 1006), it is hereby found and determined that:

(a) The following provisions in § 1006.16(b) of the order will not tend to effectuate the declared policy of the Act for the period of May 1 through August 31, 1969:

1. The language in the introductory text which reads "in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant"; and

2. Subparagraphs (2), (3), and (4) in their entirety.

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

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

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

(3) The suspension will permit unlimited diversion of producer milk to nonpool plants from May 1 through August 31, 1969. Without the suspension action, the order would limit the quantity of producer milk that could be diverted by a cooperative association to 25 percent of all milk of its member producers physically received at pool plants during the month. The same percentage limitation on the diversion of its producer receipts would apply to the operator of a pool plant. Also, the order would require that at least 10 days' production of an individual producer be delivered to a pool plant if diversion of his milk is to be permitted on other days of the month.

Northeast Florida Milk Producers Association requested the suspension and was supported in its request by Dairy Farmers Mutual and Central Florida Milk Producers Association. These producer groups represent a majority of the producers on the Upper Florida market.

The absence of available manufacturing facilities in the market will require diverting the excess milk to distant manufacturing outlets in other States. In addition to the closing of schools in the summer months, the situation is accentuated this year because of a sizeable loss of military sales to another market. Considerable hauling economies can be realized by diverting the milk that is produced nearest these outlets. Without the suspension action, additional hauling will be required in moving this milk to pool plants to assure that producers will remain qualified as such under the order.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (33 F.R. 7455). None were filed in opposition to the proposed suspension.

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

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period May 1 through August 31, 1969.

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

Effective date: May 1, 1969.

Signed at Washington, D.C., on May 14, 1969.

RICHARD LYNG,
Assistant Secretary.

[F.R. Doc. 69-5948; Filed, May 19, 1969; 8:48 a.m.]

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders: Miscellaneous Commodities), Department of Agriculture

PART 1201—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Subpart—Expenses and Rate of Assessment

Notice was published in the FEDERAL REGISTER on April 22, 1969 (34 F.R. 6738), that there were under consideration proposals regarding expenses of the Control Committee (established under the Amended Marketing Agreement and Amended Order No. 195 (7 CFR Part 1201)) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia and related rate of assessment for the fiscal period ending January 31, 1970. The amended marketing agreement and amended order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

After consideration of all relevant matter presented, including the aforesaid notice, it is hereby found as follows with respect to the expenses of the Control Committee for the fiscal period ending January 31, 1970, and the related assessment rate:

§ 1201.300 Expenses and rate of assessment for the fiscal period ending January 31, 1970.

(a) *Expenses.* Expenses in the amount of $8,500 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1970.

(b) *Rate of assessment.* The rate of assessment which each handler shall pay, in accordance with the applicable provisions of said amended marketing agreement and amended order, as his pro rata share of the aforesaid expenses is hereby fixed at $1.20 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1970.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (a) the relevant provisions of said amended marketing agreement and amended order require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable tobacco handled during such fiscal period, and (b) the current fiscal period began February 1, 1969, and the rate of assessment herein fixed will automatically apply to all such assessable tobacco beginning with such date.

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

Dated: May 14, 1969.

JACK THOMASON,
Director, Tobacco Division, Consumer and Marketing Service.

[F.R. Doc. 69-5949; Filed, May 19, 1969; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Revocation of Interpretation

1a. Effective immediately, § 217.121(c) is revoked.

b. Such section is obsolete in view of § 217.5(c), the provisions of which became effective January 15, 1962. That section permits payment of a savings deposit, whether in the form of a passbook or otherwise, to a third person in certain specified situations. One such situation is to permit payment to any person (except the depository bank in certain circumstances) who "has extended credit to the depositor on the security of the savings deposit, where such payment is made in order to enable the creditor to realize upon such security".

2. The requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this revocation because, in the circumstances, such procedures would serve no useful purpose.

(12 U.S.C. 248(i) and 371b)

Dated at Washington, D.C., the 14th day of May 1969.

Board of Governors of the Federal Reserve System.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5908; Filed, May 19, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-WE-4]

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

Alteration, Extension, and Revocation of VOR Federal Airway Segments

On February 26, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 2612) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would realign and extend segments of VOR Federal airway No. 12 in the vicinity of Gaviota, Calif., and revoke V-25W between Santa Barbara, Calif., and Paso Robles, Calif.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

1. In V-12 all before "12 AGL Fillmore;" is deleted and "From Gaviota, Calif., 12 AGL Santa Barbara, Calif.; 12 AGL INT Santa Barbara 109° and Fillmore, Calif., 268° radials;" is substituted therefor.

2. In V-25 ", including a 12 AGL W alternate from Santa Barbara to Paso Robles via Gaviota, Calif., and San Luis Obispo, Calif." is deleted.

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

Issued in Washington, D.C., on May 12, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5932; Filed, May 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69-AL-2]

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

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the transition area at Cape Decision, Alaska.

The special instrument approach procedure was canceled. With cancellation of this procedure there is no reason to retain the 700- and 1,200-foot floor transition area.

The following transition area is presently designated at Cape Decision, Alaska:

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 278° bearing from the Cape Decision RBN, extending from 6 miles west to 12 miles west of the RBN; and that airspace extending upward from 1,200 feet above the surface within 7 miles east of the RBN to the west boundary of Federal Airway Amber 1.

Since this action reduces the burden upon the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective June 26, 1969, as hereinafter set forth. In § 71.181 (34 F.R.

4659) the transition area at Cape Decision, Alaska is revoked.

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

Issued in Anchorage, Alaska, on April 23, 1969.

H. H. STANLEY,
Acting Director, Alaskan Region.

[F.R. Doc. 69-5933; Filed, May 19, 1969; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-38, Amdt. 1]

PART 384—STATEMENT OF ORGANIZATION, DELEGATION OF AUTHORITY, AND AVAILABILITY OF RECORDS AND INFORMATION

Certain Organizational Changes

Correction

In F.R. Doc. 69-5738, appearing at page 7651 in the issue for Wednesday, May 14, 1969, in § 384.7(a)(4), line 14, the word "fields" should read "files".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1524]

PART 13—PROHIBITED TRADE PRACTICES

Chinchilla Breeders Co., Inc., and William R. Kinsel

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Chinchilla Breeders Co., Inc., et al., Lafayette, Calif., Docket C-1524, Apr. 28, 1969]

In the Matter of Chinchilla Breeders Co., Inc., a Corporation, and William R. Kinsel, Individually and as an Officer of Said Corporation

Consent order requiring a Lafayette, Calif., seller of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of its stock, and misrepresenting its services to purchasers.

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

It is ordered, That respondents Chinchilla Breeders Co., Inc., a corporation, and its officers, and William R. Kinsel, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, or spare buildings, or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation, and other environmental conditions.

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

3. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $35 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell from $25 to $40 each.

4. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of purchasers of respondents' breeding stock unless in fact the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

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

6. Each female chinchilla purchased from respondents and each female offspring produce at least four live young per year.

7. The number of live offspring produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla of purchasers of respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

8. A purchaser starting with 30 pairs of chinchilla breeding stock will have an annual gross income, earnings, return, or profits of $51,200 within 5 years after purchase.

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

10. Purchasers of respondents' chinchilla breeding stock will receive registered or graded chinchillas or high quality chinchillas.

11. Breeding stock purchased from respondents are warranted or guaranteed without clearly and conspicuously disclosing in immediate conjunction therewith the nature and extent of the guarantee, the manner in which the guarantor will perform and the identity of the guarantor.

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

13. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas unless purchasers are actually given the represented guidance in the care and breeding of chinchillas and are furnished the represented advice by respondents as to the breeding of chinchillas.

14. Respondents will purchase all or any of the offspring raised by purchasers of respondents' breeding stock for $80 a pair; or that respondents will purchase said offspring for any other price unless respondents do in fact purchase all the offspring offered by said purchasers at the prices and on the terms and conditions represented; or representing, in any manner, that respondents will purchase chinchilla offspring raised by customers unless respondents do in fact purchase such offspring.

15. Purchasers of respondents' chinchilla breeding stock will receive service calls from respondents' service personnel every 6 weeks or at any other interval or frequency unless purchasers do in fact receive the represented number of service calls at the represented interval or frequency.

16. Respondents maintain facilities for or provide their purchasers with priming, pelting, tanning, dressing, or marketing services; or misrepresenting, in any manner, their facilities or services.

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

18. Breeding chinchillas by mated pairs will produce more or better quality offspring than by polygamous breeding.

B. Using the word "Breeders" or any

other word of similar import or meaning in or as a part of respondents' trade or corporate name; or representing, directly or by implication, that respondents are chinchilla breeders; or misrepresenting, in any manner, the kind or nature of respondents' business.

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

D. Misrepresenting, in any manner, the earnings or profits to purchasers or the quality or reproduction capacity of any chinchilla breeding stock.

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

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

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

Issued: April 28, 1969.

By the Commission.

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

[F.R. Doc. 69-5912; Filed, May 19, 1969; 8:46 a.m.]

[Docket No. C-1523]

PART 13—PROHIBITED TRADE PRACTICES

Illinois Chinchilla Co. and Charles E. Wagner

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.-1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Illinois Chinchilla Co. et al., Springfield, Ill., Docket C-1523, Apr. 28, 1969]

In the Matter of Illinois Chinchilla Co., a Corporation, and Charles E. Wagner, Individually and as an Officer of Said Corporation

Consent order requiring a Springfield, Ill., seller of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of its stock, and misrepresenting its services to purchasers.

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

It is ordered, That respondents Illinois Chinchilla Co., a corporation, and its officers, and Charles E. Wagner, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, or spare buildings, or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation, and other environmental conditions.

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

3. The breeding stock consisting of four females and one male chinchillas purchased from respondents will produce live offspring of 16 the first year, 64 in the second year, 208 the third year, 640 the fourth year and 1,936 the fifth year.

4. The number of live offspring produced by or from respondents' chinchilla breeding stock is any number or range thereof; or representing, in any manner, the past number or range of numbers of live offspring produced by or from respondents' chinchilla breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflected the number or range of numbers of live offspring thereof produced by or from respondents' chinchilla breeding stock of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

5. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $25 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell for from $20 to $55 each.

6. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of pelts from chinchillas of respondents' breeding stock unless in fact the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

7. Purchasers of respondents' chinchilla breeding stock will receive choice quality chinchillas; or that respondents' chinchilla breeding stock has a market value of from $150 to $350 each or any amount, price, or range of prices unless respondents' purchasers do actually receive chinchillas of the represented market value, amount, price, or range of prices.

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

9. The number of live offspring produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla from respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the numbers or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

10. A purchaser starting with three mated pairs will have, from the sale of pelts, a minimum gross income, earnings, or profits of $12,000 at the end of the fifth year after purchase.

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

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

13. Purchasers of respondents' chinchilla breeding stock will be furnished with inspection services by respondents three times each year or as often as such services may be required by the purchaser unless the represented inspection services are actually furnished.

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

15. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas unless purchasers are actually given the represented guidance in the care and breeding of chinchillas and are furnished the represented advice by respondents as to the breeding of chinchillas.

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

C. Misrepresenting, in any manner, the earnings or profits to purchasers or the quality or reproduction capacity of any chinchilla breeding stock.

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

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

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

Issued: April 28, 1969.

By the Commission.

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

[F.R. Doc. 69-5913; Filed, May 19, 1969; 8:46 a.m.]

[Docket No. C-1526]

PART 13—PROHIBITED TRADE PRACTICES

Levy Bros.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary; 13.155-100 Usual as reduced, special, etc. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [*Cease and desist order, Levy Bros., San Mateo, Calif., Docket C-1526, Apr. 28, 1969*]

Consent order requiring a San Mateo, Calif., department store to cease misbranding, falsely invoicing and advertising its fur products and failing to maintain required records in support of pricing claims.

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

It is ordered, That respondent Levy Bros., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

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

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

3. Failing to disclose on a label that such fur product is composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur.

4. Failing to set forth separately on a label attached to such fur product composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

B. Falsely or deceptively invoicing any fur product by:

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

2. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on an invoice pertaining to such fur product.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

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

6. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

3. Falsely or deceptively identifies any fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

4. Represents, directly or by implication, that any price whether accompanied or not by descriptive terminology is the respondent's former price of such fur product when such price is in excess of the price at which such fur product has been sold or offered for sale in good faith by the respondent on a regular basis for a reasonably substantial period of time in the recent regular course of business, or otherwise misrepresents the price at which any such fur product has been sold or offered for sale by respondent.

5. Falsely or deceptively represents that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

6. Falsely or deceptively represents that the price of any such fur product is reduced.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

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

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

Issued: April 28, 1969.

By the Commission.

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

[F.R. Doc. 69-5914; Filed, May 19, 1969; 8:46 a.m.]

[Docket No. C-1527]

PART 13—PROHIBITED TRADE PRACTICES

Spencer Gifts, Inc.

Subpart—Advertising falsely or misleadingly: § 13.59 *Identity of product;* § 13.175 *Quality of product or service.* Subpart—Using misleading name—Goods: § 13.2300 *Identity;* § 13.2330 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [*Cease and desist order, Spencer Gifts, Inc., Atlantic City, N.J., Docket C-1527, Apr. 29, 1969.*]

Consent order requiring an Atlantic City, N.J., retail jeweler to cease misrepresenting the identity or quality of its jewelry products.

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

It is ordered, That respondent, Spencer Gifts, Inc., a corporation, and its officers, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of jewelry products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Use of the words "stone," "birthstone," or the name of any precious or semiprecious stone to describe any synthetic stone or imitation or simulated stone unless such word or name is immediately preceded, with equal conspicuity,

(a) With the word "synthetic" or words of similar meaning and import, if the stones have essentially the same optical, physical, and chemical properties as those so described;

(b) With the word "simulated" or "imitation," or words of similar meaning and import; if the stones are similar in appearance but do not have essentially the same optical, chemical, and physical properties as those so described.

(2) Use of the unqualified word "gold" to describe any product, unless such product, or any part thereof so described, is composed throughout of 24 karat gold.

(3) Misrepresenting, in any manner, the metallic content of any jewelry product, or the nature or quality of the stones contained therein.

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

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

Issued: April 29, 1969.

By the Commission.

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

[F.R. Doc. 69-5915; Filed, May 19, 1969; 8:46 a.m.]

[Docket No. C-1525]

PART 13—PROHIBITED TRADE PRACTICES

Stefani Bros. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary; 13.155-100 Usual as reduced, special, etc. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Stefani Bros. et al., San Francisco, Calif., Docket C-1525, Apr. 28, 1969]

In the Matter of Stefani Bros., a Corporation, and Aladino Stefani, A. C. Killian, and Fred F. Bellero, individually and as Officers of Said Corporation

Consent order requiring a San Francisco, Calif., manufacturer and wholesaler of fur products to cease misbranding, falsely invoicing and advertising its fur products and failing to maintain required records in support of pricing claims.

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

It is ordered, That respondents Stefani Bros., a corporation, and its officers, and Aladino Stefani, A. C. Killian, and Fred F. Bellero, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, or any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

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

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

3. Failing to disclose on a label that such fur product is composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur.

4. Failing to set forth separately on a label attached to such fur product composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

B. Falsely or deceptively invoicing any fur product by:

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

2. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on an invoice pertaining to such fur product.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

3. Falsely or deceptively identifies any fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

4. Represents, directly or by implication, that any price whether accompanied or not by descriptive terminology is the respondents' former price of such fur product when such price is in excess of the price at which such fur product has been sold or offered for sale in good faith by the respondents on a regular basis for a reasonably substantial period of time in the recent regular

course of business, or otherwise misrepresents the price at which such fur product has been sold or offered for sale by respondents.

5. Falsely or deceptively represents that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

6. Falsely or deceptively represents that the price of any such fur product is reduced.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

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

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

Issued: April 28, 1969.

By the Commission.

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

[F.R. Doc. 69-5916; Filed, May 19, 1969; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-358; Order 381]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Area Rate Levels for Natural Gas Sales by Independent Producers

MAY 12, 1969.

By this order the Commission amends § 2.56 of its rules of practice and procedure, general policy and interpretations under the Natural Gas Act, promulgated by Title 18, Part 2, of the Code of Federal Regulations, to conform with current Commission policy as set forth in various recent opinions and orders of the Commission. The amendments will set forth the initial service area rates established by the Commission's Opinion No. 445, Docket No. G-8592, 32 FPC 1183, for the State of Mississippi; and will adopt the just and reasonable rates established by our Opinions Nos. 468 and 468-A, Docket No. AR61-1, 34 FPC 159, 1968, Opinions Nos. 546 and 546-A, Docket No. AR61-2, 40 FPC ——, issued September 25, 1968, and March 20, 1969, respectively, as the area rates for purposes of this statement of policy. In accordance with Order No. 367, issued September 17, 1968, the statements of area rate levels therein prescribed by paragraph (a), Table 1, and paragraph (d), Table 3, will be shown at 14.73 p.s.i.a. pressure base.[1]

This amendment reflects the application of the initial service area rate found in Opinion No. 445 (Table No. 1) as the Commission's policy rate and the anti-triggering level and duration for such level (Table No. 3) set forth on alternative measurement pressure bases, i.e., the pressure base used in such Opinion and the 14.73 p.s.i.a. measurement pressure used in Order No. 367. Additionally, the amendment reflects the just and reasonable base rates set forth in our Opinions Nos. 468, 468-A, 546, and 546-A (supra), subject to the additional requirements, restrictions and authorizations provided in those opinions, as the Commission's policy rates, also with the measurement pressure base set forth in the opinions and that used in Order No. 367 (Table No. 1). This amendment deletes Southern Louisiana from Table No. 3 because the just and reasonable rates have been determined, and moratorium periods established for increases.

The Commission finds: Adoption of the Statement of Policy established by this order is necessary and appropriate for administration of the Natural Gas Act, and does not prescribe any course of action on the part of any person but merely sets forth the Commission's contemplated course of action, therefore, notice under section 4 of the Administrative Procedure Act (5 U.S.C. 553) is not required, and the statement may be made effective upon issuance.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 830; 15 U.S.C. 717c, 717d, 717f, 717o), orders:

(A) Effective upon the issuance of this order, paragraph (a) of § 2.56, Part 2, Statements of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding the following paragraphs thereto:

§ 2.56 Area price levels for natural gas sales by independent producers.

(a) * * *

The base rates established by Opinions Nos. 468, 468-A, 546, and 546-A, are set forth in Table No. 1 and, subject to the additional requirements, restrictions, and authorizations provided in those opinions, represent the area rate levels for the areas involved.

* * * * *

(B) Tables Nos. 1 and 3 referred to in paragraph (a) of this section are amended by substituting Tables Nos. 1 and 3 appended hereto.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Section 2.56(e) of the Commission's General Policy and Interpretations, rules of practice and procedure; 18 CFR 2.56.

TABLE NO. 1 REFERRED TO IN PARAGRAPH (a) OF § 2.56

NOTE: The area rate levels for natural gas sales by independent producers are set forth below.

Area	At 14.65 p.s.i.a		At 14.73 p.s.i.a.[1]	
	Initial service	Increased	Initial service	Increased
Texas, RR. Districts Nos.:				
1	15.0	14.0	15.08	14.08
2	16.0	14.0	16.09	14.08
3	17.0	14.0	17.09	14.08
4	16.0	14.0	16.09	14.08
5	14.50	14.50	14.58	14.58
6	15.0	14.0	15.08	14.08
7-b	14.50	11.50	14.58	11.56
9	14.50	14.50	14.58	14.58
10	17.0	11.0	17.09	11.06
Oklahoma:				
Carter-Knox	16.8	11.0	16.89	11.06
Other	15.0	11.0	15.08	11.06
Panhandle	17.0	11.0	17.09	11.06
Kansas	16.0	11.0	16.09	11.06
Wyoming	15.0	[2] 12.7	15.08	[2] 12.74
New Mexico, Permian Basin, Chaves, Eddy and Lea Counties:[3]				
Contracts dated				
After 12-31-60 (gas well gas)	[4] 15.50	Same	[4] 15.58	Same
Prior to 1-1-61 (gas well gas)	[4] 13.50	Same	[4] 13.57	Same
After 12-31-60 (oil well gas)	[4] 13.50	Same	[4] 13.57	Same
Prior to 1-1-61 (oil well gas)	[4] 13.50	Same	[4] 13.57	Same
Texas, Permian Basin, RR. Districts Nos. 7-c and 8:[3]				
Contracts dated				
After 12-31-60 (gas well gas)	[5] 16.50	Same	[5] 16.59	Same
Prior to 1-1-61 (gas well gas)	[5] 14.50	Same	[5] 14.58	Same
After 12-31-60 (oil well gas)	[5] 14.50	Same	[5] 14.58	Same
Prior to 1-1-61 (oil well gas)	[5] 14.50	Same	[5] 14.58	Same
	At 15.025 p.s.i.a.		*At 14.73 p.s.i.a.*[1]	
Colorado	15.0	13.0	14.71	12.74
Mississippi	20.6	14.0	20.20	13.73
New Mexico San Juan Basin	13.0	13.0	12.74	12.74
Louisiana, Northern	17.0	14.0	16.67	13.73
Louisiana, Southern, within State taxing jurisdiction:[3]				

See footnotes at end of table.

TABLE NO. 1 REFERRED TO IN PARAGRAPH (a) OF § 2.56—Continued

Area	At 14.65 p.s.i.a		At 14.73 p.s.i.a [1]	
	Initial service	Increased	Initial service	Increased
Louisiana, Southern, within State taxing jurisdiction—Continued				
Contracts dated				
After 9-30-68 (gas well gas)	[2] 20.0	Same	[2] 19.61	Same
1-1-61 to 9-30-68 (gas well gas)	[2] 19.50	Same	[2] 19.12	Same
Prior to 1-1-61 (gas well gas)	[2] 18.50	Same	[2] 18.14	Same
After 9-30-68 (oil well gas)	[2] 18.50	Same	[2] 18.14	Same
1-1-61 to 9-30-68 (oil well gas)	[2] 18.50	Same	[2] 18.14	Same
Prior to 1-1-61 (oil well gas)	[2] 18.50	Same	[2] 18.14	Same
Within the Federal domain: [3]				
Contracts dated				
After 9-30-68 (gas well gas)	18.50	Same	18.14	Same
1-1-61 to 9-30-68 (gas well gas)	18.0	Same	17.65	Same
Prior to 1-1-61 (gas well gas)	17.0	Same	16.67	Same
After 9-30-68 (oil well gas)	17.0	Same	16.67	Same
1-1-61 to 9-30-68 (oil well gas)	17.0	Same	16.67	Same
Prior to 1-1-61 (oil well gas)	17.0	Same	16.67	Same
	At 15.385 p.s.i.a.		*At 14.73 p.s.i.a.* [1]	
West Virginia	28.0	25.0	26.91	24.03

[1] For conversion factors see: § 2.56(e) General policy and interpretations, rules of practice, and procedure; 18 CFR 2.56(e).
[2] 13 cents at 15.025 p.s.i.a.
[3] Subject to the additional requirements, restrictions and authorizations provided in Opinions Nos. 468, 468-A, 546, and 546-A, as applicable.
[4] Plus applicable State and local production taxes in effect as of Sept. 1, 1965.
[5] Inclusive of tax reimbursement.

TABLE NO. 3 REFERRED TO IN PARAGRAPH (d) OF § 2.56

RATE LEVELS AND DURATION OF ANTITRIGGERING CONDITION FOR VARIOUS RATE AREAS

Rate area	Antitriggering level [1] cents/Mcf at 14.65 p.s.i.a.	Antitriggering level [1] cents/Mcf at 14.73 p.s.i.a. [2]
Texas, RR. Districts Nos.:		
1	17.0	17.09
2	18.0	18.10
3	19.0	19.10
4	18.0	18.10
5	16.50	16.59
6	17.0	17.09
7-b	16.50	16.59
9	16.50	16.59
10	19.0	19.10
Oklahoma:		
Carter-Knox	19.0	19.10
Other	17.9	18.0
Panhandle	18.8	18.90
Kansas	18.0	18.10
Wyoming	17.0	17.09
	At 15.025 p.s.i.a.	*At 14.73 p.s.i.a.* [2]
Louisiana, Northern	20.75	20.34
Mississippi	24.0	23.53
New Mexico, San Juan Basin	15.0	14.71
Colorado	17.0	16.67
	At 15.385 p.s.i.a.	*At 14.73 p.s.i.a.*
West Virginia	30.0	28.84

[1] Effective duration of antitriggering conditions is Jan. 1, 1970, as provided for in Order No. 352, § 2.56(d)(3) and (4) of the Commission's general policy and interpretations, rules of practice, and procedure.
[2] For conversion factors see: 33 F.R. 14373, 4; 18 CFR 2.56(a).

[F.R. Doc. 69-5874; Filed, May 19, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 19—U.S. Information Agency

PART 19-60—DISPUTES AND APPEALS

Chapter 19 of Title 41 is amended by adding a new Part 19-60 reading as follows:

Sec.

AUTHORITY: The provisions of this Part 19-60 is issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 19-60.000 Scope of part.

This part sets forth procedures governing the determination of disputes arising from Agency contracts and the delegation of authority to the Armed Services Board of Contract Appeals (referred to in this part as the "ASBCA") to hear and decide appeals of contractors from final decisions of contracting officers arising under disputes provisions of contracts awarded by the United States Information Agency and the rules applicable to such appeals.

Subpart 19-60.1—Disputes

§ 19-60.100 Scope of subpart.

This subpart sets forth the policy and procedures pertaining to disputes arising under contracts, the review of available facts pertinent to the dispute, and the rendering of a final decision thereon by the contracting officer.

§ 19-60.101 General.

Unless otherwise specified in a contract, any dispute concerning a question of fact under a contract shall be decided by the contracting officer who shall reduce his decision to writing and mail by certified mail, return receipt requested, or otherwise furnish a copy to the contractor.

§ 19-60.102 Determination of issues.

Before making a decision, the contracting officer shall consider all oral and written arguments or evidence as the contractor may present in support of his claim. He shall conduct such investigation as may be necessary to ascertain the facts. Based upon his review of all available facts and advice of legal counsel, he shall endeavor to resolve by mutual agreement a satisfactory settlement of the dispute. When questions are settled in this manner, an agreement shall be drawn up in the form of a letter or memorandum for the official records.

§ 19-60.103 Decision of the contracting officer.

When an agreement cannot be successfully negotiated, the contracting officer with the advice and assistance of the Office of the General Counsel shall render a decision in accordance with the disputes clause of the contract. The decision shall include a statement of the facts under dispute, a statement of the contractor's claim, a statement of the facts upon which the parties agree or disagree, a statement of the contracting officer's final decision, and a statement advising the contractor that decisions on disputed questions of fact and on other questions that are subject to the procedure of the disputes clause of the contract may be appealed in accordance with the provisions of that clause. The decision shall further advise the contractor that appeals must be in writing (in triplicate) and must be mailed or otherwise furnished the contracting officer within the time provided in the disputes clause of the contract or if none is designated within thirty days from the date of receipt of the final decision. See § 1-1.318. The decision will also advise the contractor that the Armed Services Board of Contract Appeals has been designated the authorized representative of the Director for the hearing of such appeals and that the regulations herein recited shall be applicable with regard to the procedure of such appeals before the Board.

Subpart 19-60.2—Appeals

§ 19-60.201 General.

An appeal to the ASBCA may be taken from the decision of a contracting officer rendered in connection with disputed questions of fact under contracts when the terms of the contract provide for the determination of such appeals by the Director or his duly authorized representative. When the express terms of the contract provide otherwise, appeals shall be taken in the manner provided.

§ 19-60.202 Processing appeals.

Appeals shall be prepared and submitted as set forth in the Preliminary Procedures, Part 2, Rules of the ASBCA, Appendix A to the Armed Services Procurement Regulations.

Subpart 19–60.3—Board of Contract Appeals

§ 19–60.301 Designation of authorized representative.

The Armed Services Board of Contract Appeals has been designated the authorized representative of the Director of the U.S. Information Agency to hear, consider, and determine appeals by contractors from final decisions of contracting officers on disputed questions arising under agency contracts pursuant to provisions of contracts requiring the determination of such appeals by the Director or his authorized representative.

§ 19–60.302 Agency support.

The office of the General Counsel shall ensure support by officers and employees of the Agency in processing appeals and ascertaining information to the extent required by the ASBCA and is authorized to require such officers and employees to cooperate in such support.

Subpart 19–60.4—Rules

§ 19–60.401 Adoption of the Rules of the ASBCA.

In acting under this designation, the ASBCA is authorized to follow the rules contained in Appendix A to the Armed Services Procurement Regulations, Title 32 Code of Federal Regulations 30.1, which are hereby adopted as amended.

§ 19–60.402 Amendment to rules for Agency application.

The following amendments to Part 2—Rules of the ASBCA shall be effective whenever such rules pertain to appeals arising from Agency contracts.

(a) Preface to rules of the Armed Services Board of Contract Appeals (Summary of Pertinent Charter Provisions) delete all references to the Secretary of Defense and the Secretaries of the Military Departments and substitute therefor the words "Director, U.S. Information Agency".

(b) Preface to rules of the Armed Services Board of Contract Appeals (Summary of Pertinent Charter Provisions) delete in its entirety the third paragraph pertaining to the requirement of the Secretary of Defense or the Secretary of a Military Department to personally render a decision on a matter in dispute based on findings and recommendations submitted by the ASBCA.

(c) Preliminary procedures, paragraph 3 (Forwarding Appeals)—after the word "Board" at the end of the first sentence, insert a comma in lieu of the period and add immediately thereafter the words "through the Office of the General Counsel, U.S. Information Agency".

(d) Preliminary procedures, paragraph 4 (Duties of the Contracting Officer)—delete the words "and to the Government Trial Attorney" and add in lieu thereof the words "through the Office of the General Counsel, U.S. Information Agency".

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER and shall apply to all appeals from Agency contracts presently pending before the ASBCA and to all appeals provided for under this part taken on and after the effective date hereof.

Issued: May 15, 1969.

BEN POSNER,
Assistant Director (Administration).

[F.R. Doc. 69–3935; Filed, May 19, 1969; 8:47 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 415–69]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

PART 45—STANDARDS OF CONDUCT

Office of the Director, U.S. Marshals Service

By virtue of the authority vested in me by sections 509, 510, and 569(c) of title 28 and section 301 of title 5 of the United States Code, Chapter I of Title 28 of the Code of Federal Regulations is amended as follows:

1. Section 0.17 of Subpart C of Part 0 is amended to read as follows:

§ 0.17 Office of the Director, U.S. Marshals Service.

The Office of the Director, U.S. Marshals Service, shall be under the supervision of the Deputy Attorney General and shall direct and supervise the U.S. Marshals, coordinate and direct the relationship of other organizational units of the Department with the offices of U.S. Marshals, and approve staffing requirements of such offices.

§ 45.735–22 [Amended]

2. Subdivision (xv) of paragraph (c) of § 45.735–22 of Part 45 is amended by substituting "Director, United States Marshals Service" for "Head, Executive Office for U.S. Marshals."

Dated: May 12, 1969.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 69–5950; Filed, May 19, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

SUBCHAPTER C—DRUGS

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Bacitracin Methylene Disalicylate

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by S. B. Penick & Co., 100 Church Street, New York, N.Y. 10007, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of bacitracin methylene disalicylate in the feed of feedlot beef cattle for specified conditions. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.252(d) is amended by adding thereto a new table 3, as follows:

§ 121.252 Bacitracin methylene disalicylate.

* * * * *

(d) * * *

TABLE 3.—*Bacitracin methylene disalicylate in cattle feed*

Amount		Limitations	Indications for use
	Mg. per head per day		
Bacitracin.....	70	For feedlot beef cattle; administer continuously throughout the feeding period; as bacitracin methylene disalicylate.	Reduction in the number of liver condemnations due to abscesses in feedlot beef cattle.
Bacitracin.....	250	For feedlot beef cattle; administer continuously for 5 days then do not administer medicated feed for subsequent 25 days, repeat the pattern during the feeding period.	Do.

2. Based on an evaluation of the data before him and proceeding under the authority of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated as cited above, the Commissioner concludes that the existing "zero" tolerances for residues of bacitracin from bacitracin, zinc bacitracin, manganese bacitracin, or bacitracin methylene disalicylate in edible products of treated animals should be changed to 0.5 part per million (0.02 unit per gram—sensitivity of the method of analysis) for negligible residues of the additive. The negligible residue level is the basis upon which the "zero" tolerances were formerly established. It is also concluded that the negligible residue should be extended to include residues in the tissues of cattle based upon its use as provided for by the above amendment to § 121.252. Accordingly, § 121.1005 is revised to read as follows:

§ 121.1005 Bacitracin.

Tolerances for residues of the food additive bacitracin from bacitracin, zinc bacitracin, manganese bacitracin, or bacitracin methylene disalicylate are established at 0.5 part per million (0.02 unit per gram), negligible residue, in edible tissues of cattle, swine, chickens, turkeys, pheasants, and quail, and in milk and eggs.

3. Under the authority of the act (sec. 507(c), 59 Stat. 463, as amended; 21 U.S.C. 357(c)), delegated as cited above, the Commissioner finds that cattle feed containing bacitracin methylene disalicylateylate need not comply with the requirements of section 507 of the act to assure its safety and efficacy when used in accordance with § 121.252 as amended herein. Therefore, § 144.26(b) is amended by adding thereto a new subparagraph, as follows:

§ 144.26 Animal feed containing certifiable antibiotic drugs.

* * * * *

(b) * * *

(28) It is a medicated feed for beef cattle containing bacitracin methylene disalicylate in the amounts and for the purposes specified in § 121.252 of this chapter and its labeling bears adequate directions and warnings for such use.

* * * * *

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

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

(Secs. 409(c) (1), (4), 507(c), 59 Stat. 463, as amended, 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4), 357(c))

Dated: May 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-5917; Filed, May 19, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

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

Subpart D—Food Additives Permitted in Food for Human Consumption

SPECTINOMYCIN

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (38-661V) filed by Amdal Co., Agricultural Division, Abbott Laboratories, North Chcago, Ill. 60064, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of spectinomycin for the treatment of specified conditions in chickens.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.329 Spectinomycin.

The food additive spectinomycin may be safely used in accordance with the following prescribed conditions:

(a) Spectinomycin is the antibiotic substance produced by growth of *Streptomyces spectabilis* or the same antibiotic substance produced by any other means.

(b) The quantity of antibiotic listed is expressed in terms of the weight of the appropriate standard.

(c) It is used or intended for use as follows:

SPECTINOMYCIN IN DRINKING WATER

Amount	Limitations	Indications for use
Spectinomycin.... 2 grams per gallon.	For growing chickens; as spectinomycin dihydrochloride pentahydrate; administer as sole source of drinking water for the first 3 days of life and for 1 day following each vaccination; do not administer within 5 days of slaughter; do not administer to laying chickens.	As an aid in the prevention or control of losses due to chronic respiratory disease associated with *M. gallisepticum* (PPLO) infection.

(d) To assure safe use, the label and labeling of the additive, any combination of the additives, or any final dosage form prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the quantity of the additive contained therein.

(3) Adequate directions and warnings for use.

B. Based upon an evaluation of the data before him and proceeding under the authority of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated as cited above, the Commissioner concludes that a tolerance limitation is required to assure that the edible tissues of chickens treated with spectinomycin are safe for human consumption. Therefore, Part 121 is amended by adding to Subpart D the following new section:

§ 121.1227 Spectinomycin.

A tolerance of 0.1 part per million is established for negligible residues of the food additive spectinomycin in the edible tissues of chickens.

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

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

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4))

Dated: May 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-5918; Filed, May 19, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 697—INDUSTRIES IN AMERICAN SAMOA

Wage Order

Under sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205, 206, and 208) and Reorganization

Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and by means of Administrative Order No. 605 (34 F.R. 1169) the Secretary of Labor appointed and convened Special Industry Committee No. 8 for American Samoa, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(a)(3) of the Fair Labor Standards Act of 1938 to employees in American Samoa subject thereto, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to matters referred to it.

Accordingly, pursuant to section 6(a)(3) and section 8(d) of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950 and § 511.18 of Title 29, Code of Federal Regulations, the recommendations of Special Industry Committee No. 8 for American Samoa are hereby published as an amendment of § 697.1 of that title which changes all minimum wage rates specified therein, except that in paragraph (b)(1). In addition the Industry Committee recommended pursuant to section 8 of the Act separate classifications for the Laundry and Dry Cleaning Industry, the Bottling Industry and the Printing and Publishing Industry. For the purposes of this part, these three classifications are treated as separate industries. Further, pursuant to the same authority an effective date provision is added to Part 697, designated § 697.3, for easy reference.

1. As amended, § 697.1 reads as follows:

§ 697.1 Wage rates.

Every employer shall pay to each of his employees in American Samoa, who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in any enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Fair Labor Standards Act of 1938, wages at a rate not less than the minimum rate or rates of wages prescribed in this section for the industries and classifications in which such employee is engaged.

(a) *Fish canning and processing and can manufacturing industry.* (1) The minimum wage for this industry is $1.15 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.20 an hour thereafter.

(2) This industry shall include the canning, freezing, preserving, and other processing of any kind of fish, shellfish, and other aquatic forms of animal life, the manufacture of any byproduct thereof, and the manufacture of cans and related activities: *Provided, however,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(b) *Shipping and transportation industry.* The classifications of this industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including the operation of air terminals, piers, wharves, and docks, stevedoring, storage, and lighterage operations, and the operation of tourist bureaus and of travel and ticket agencies: *Provided, however,* That this industry shall not include bunkering of petroleum products: *Provided, further,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(1) *Classification A (seafaring).* (i) The minimum wage for this classification is 55 cents an hour.

(ii) This classification of the shipping and transportation industry shall include all activities engaged in by seamen on American vessels which are documented or numbered under the laws of the United States, which operate exclusively between points in the Samoan Islands, and which are not in excess of 350 tons net capacity.

(2) *Classification B.* (i) The minimum wage for this classification is $1.20 an hour for a period of 1 year following the effective date specified in § 697.3, and $1.25 an hour thereafter.

(ii) This classification shall include all activities in the shipping and transportation industry other than those included in the seafaring classification of the industry.

(c) *Petroleum marketing industry.* (1) The minimum wage for this industry is $1.25 an hour for a period of 1 year following the effective date specified in § 697.3, and $1.30 an hour thereafter.

(2) This industry shall include the wholesale marketing and distribution of gasoline, kerosene, lubricating oils, diesel and marine fuels, and other petroleum products, bunkering operations in connection therewith, and repair and maintenance of petroleum storage facilities: *Provided, however,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(d) *Construction industry.* (1) The minimum wage for this industry is 84 cents an hour for a period of 1 year following the effective date specified in § 697.3, and 88 cents an hour thereafter.

(2) This industry shall include all construction, reconstruction, structural renovation and demolition, on public or private account, of buildings, housing, highways and streets, catchments, dams, and any other structure.

(e) *Hospitals and educational institutions industry.* (1) The minimum wage for this industry is 70 cents an hour for the period ending June 30, 1969, and 80 cents an hour thereafter.

(2) This industry shall include all activities performed in connection with the operation of a hospital, defined as an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises of such institution, a school for the mentally or physically handicapped or the gifted children, an elementary or secondary school, or an institution of higher education (regardless of whether or not such hospital, institution, or school is public or private, or operated for profit or not for profit): *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(f) *Hotel industry.* (1) The minimum wage for this industry is 75 cents an hour for a period of 1 year following the effective date specified in § 697.3, and 80 cents an hour thereafter.

(2) This industry shall include all activities in connection with the operation of hotels, motels, apartment hotels, and tourist courts engaged in providing lodging, with or without meals, for the general public: *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(g) *Retail trade industry.* (1) The minimum wage for this industry is 90 cents an hour for a period of 1 year following the effective date specified in § 697.3 and 95 cents an hour thereafter.

(2) This industry shall include all activities in connection with the selling of goods or services at retail, including the operation of retail stores and other retail establishments: *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(h) *Laundry and Dry Cleaning Industry.* (1) The minimum wage for this industry is 85 cents an hour.

(2) The Laundry and Dry Cleaning Industry is that industry which is engaged in laundering, cleaning, pressing or repairing clothing or fabrics, except such activities as are engaged in by a hotel or motel on its own linens or on articles of its guests.

(i) *The Bottling Industry.* (1) The minimum wage for this industry is 95 cents an hour.

(2) The Bottling Industry is that industry which is engaged in the bottling, sale or distribution at wholesale of soft drinks in bottles or cans.

(j) *The Printing and Publishing Industry.* (1) The minimum wage for this industry is 95 cents an hour.

(2) The Printing and Publishing Industry is that industry which is engaged in printing, job printing, duplicating and publishing, other than the publishing of a weekly, semiweekly or daily newspaper with a circulation of less than 4,000, the major part of which circulation is within the county where published or counties contiguous thereto.

(k) *Miscellaneous industry.* The classifications of this industry shall include every activity not included in any other industry defined in this § 697.1.

(l) *Previous coverage classification.* (i) The minimum wage for this classification is $1 an hour for a period of 1

year following the effective date specified in § 697.3, and $1.05 cents an hour thereafter.

(ii) This classification of the miscellaneous industry shall include only those activities in the industry to which section 6 of the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(2) *1966 coverage classification.* (i) The minimum wage for this classification is 90 cents an hour for a period of 1 year following the effective date specified in § 697.3, and 95 cents an hour thereafter.

(ii) This classification of the miscellaneous industry shall include only those activities in the industry to which section 6 of the Fair Labor Standards Act of 1938 applies only by reason of the Fair Labor Standards Amendments of 1966.

2. As added, § 697.3 reads as follows:

§ 697.3 Effective date.

The wage rates specified in § 697.1 shall be effective June 5, 1969.

(Secs. 6 and 8, 52 Stat. 1062, 1964, as amended; 29 U.S.C. 206, 208)

Signed at Washington, D.C., this 13th day of May 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor.

[F.R. Doc. 69-5953; Filed, May 19, 1969; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In § 200.87 paragraph (a) is amended to read as follows:

§ 200.87 Management Improvement Committee.

(a) *Members.* The Management Improvement Committee is comprised of the following members: Director of Management Division, Chairman; Staff Adviser to the Assistant Commissioner for Administration, Vice Chairman; and one designee of each of the following: Assistant Commissioner-Comptroller; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Property Improvement; Assistant Commissioner for Technical Standards; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Property Disposition; Assistant Commissioner for Programs; Assistant Commissioner for Field Operations; and Director of Budget Division.

* * * * *

In § 200.96 paragraph (b) is amended to read as follows:

§ 200.96 Field Office Directors, Deputy Directors, and Assistant Directors; and Director, Multifamily Housing Insuring Office (New York).

* * * * *

(b) To act for the Commissioner in determining applicable mortgage limits for communities in the insuring office jurisdiction for all mortgage insurance programs for which the Commissioner is authorized to increase basic mortgage limits provided by law where cost levels so require.

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

Issued at Washington, D.C., May 13, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-5941; Filed, May 19, 1969; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter B—Personnel; Military and Civilian

PART 41—ADMINISTRATIVE DISCHARGES

Reasons and Procedures for Discharge

1. Section 41.6(i) is amended to read as follows:

§ 41.6 Reasons for discharge.

* * * * *

(i) *Unfitness.* Discharges by reason of unfitness, with an Undesirable Discharge, unless the particular circumstances in a given case warrant a General or Honorable Discharge, when an individual's military record in his current enlistment or period of obligated service includes one or more of the following:

(1) Frequent involvement of a discreditable nature with civil or military authorities.

(2) Sexual perversion including but not limited to (i) lewd and lascivious acts, (ii) homosexual acts, (iii) sodomy, (iv) indecent exposure, (v) indecent acts with or assault upon a child, or (vi) other indecent acts or offenses.

(3) Drug abuse as defined in DoD Directive 1300.11, Part 62 of this Subchapter.

(4) An established pattern for shirking.

(5) An established pattern showing dishonorable failure to pay just debts.

(6) An established pattern showing dishonorable failure to contribute adequate support to dependents or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.

(7) Unsanitary habits.

* * * * *

2. Section 41.7(d) is amended to read as follows:

§ 41.7 Procedures for discharge.

* * * * *

(d) *Undesirable Discharge.* An Undesirable Discharge will be directed by a commander exercising general court-martial jurisdiction or by higher authority. This authority may be delegated to a general or flag officer in command who has a judge advocate on his staff for cases arising in that command. Every action taken pursuant to such a delegation will state the authority therefor. An Undesirable Discharge will be issued in accordance with this Directive and the following procedures and safeguards:

* * * * *

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

[F.R. Doc. 69-5970; Filed, May 19, 1969; 8:50 a.m.]

PART 80—PERMANENT-RESIDENCE ALIENS SERVING IN ARMED FORCES OF UNITED STATES TO FULFILL NATURALIZATION REQUIREMENTS; SEPARATION OF

The following revision to Part 80 has been approved:

Sec.
80.1 Purpose and applicability.
80.2 Definitions.
80.3 Policy.

AUTHORITY: The provisions of this Part 80 issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 80.1 Purpose and applicability.

This part furnishes policy guidance to the Secretaries of the military departments governing discharge or release from active duty in the armed forces of the United States of permanent-residence aliens who desire to be naturalized as U.S. citizens under the provisions of Act of June 27, 1952, section 328 (66 Stat. 249; 8 U.S.C. 1439). The expeditious naturalization provisions of Part 205 of Subchapter A, however, take precedence for aliens serving during the Vietnam hostilities or during any future period of hostilities that may be designated by the President of the United States.

§ 80.2 Definitions.

(a) Permanent-residence Aliens are aliens admitted into the United States under an immigration visa for permanent residence; or aliens who, after admission without an immigrant visa, have had their status adjusted to that of aliens lawfully admitted for permanent residence.

(b) *Armed Forces of the United States* denotes collectively all components of the

Army, Navy, Air Force, Marine Corps, and Coast Guard.

§ 80.3 Policy.

(a) Under the provisions of Act of June 27, 1952, section 328 (66 Stat. 249; 8 U.S.C. 1439) an alien who has served in the armed forces of the United States for a period(s) totaling three (3) years may be naturalized if he:

(1) Has been lawfully admitted to the United States for permanent residence;

(2) Was separated from the military service under honorable conditions;

(3) Files a petition while still in the military service, or within six (6) months after the termination of such service; and

(4) Can comply in all other respects with the Immigration and Nationality Act of 1952, except that (i) no period of residence or specified period of physical presence in the United States or the State in which the petition for naturalization is filed is required, and (ii) residence within the jurisdiction of the court is not required.

(b) The prescribed 3-year period may be satisfied by a combination of active duty and inactive duty in a reserve status.

(c) Alien personnel desiring to fulfill naturalization requirements through military service shall not be separated prior to completion of three (3) full years of active duty unless:

(1) Their performance or conduct does not justify retention, in which case they shall be separated in accordance with the provisions of Part 41 of this Subchapter or Chapter 47, title 10, United States Code (Uniform Code of Military Justice) as appropriate; or

(2) They are to be transferred to inactive duty in a reserve component in order to

(i) Complete a reserve obligation under the provisions of Part 50 of this subchapter, or

(ii) Attend a recognized institution of higher learning under the early release program, as provided in Part 60 of this subchapter.

(d) Caution shall be exercised to ensure that an alien's affiliation with the armed forces of the United States, whether on active duty or on inactive duty in a reserve status, is not terminated even a few days short of the 3-year statutory period, since failure to comply with the exact 3-year requirement of Act of June 27, 1952, section 328 (66 Stat. 249; 8 U.S.C. 1439) will automatically preclude a favorable determination by the Immigration and Naturalization Service on any petition for naturalization based on an alien's military service.

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

MAY 14, 1969.

[F.R. Doc. 69-5900; Filed, May 19, 1969; 8:51 a.m.]

PART 101—PARTICIPATION IN RESERVE TRAINING PROGRAMS

Reserve Participation

Section 101.3(a) is revised to read as follows:

§ 101.3 Reserve participation.

(a) *Training Requirements under 10 U.S.C. 270(a).* (1) Each individual inducted, enlisted, or appointed in any armed force after August 10, 1955, who becomes a member of the Ready Reserve (by other means than through membership in the Army National Guard of the United States or of the Air National Guard of the United States (see § 101.3(b) below)) is required during his statutory period in the Ready Reserve to participate or serve as indicated:

(i) Individuals who have served less than two years on active duty (other than for training) shall:

(*a*) Except as provided in Part 102 of this Subchapter, participate or serve in at least forty-eight (48) scheduled drills or training periods and not less than fourteen (14) days (exclusive of traveltime) of active duty for training during each year; or

(*b*) Participate or serve on active duty for training for not more than thirty (30) days each year unless otherwise specifically prescribed by the Secretary of Defense.

(ii) Enlisted individuals who have served on active duty (other than for training), any part of which is served in a combat zone for hostile fire pay (DoD Directive 1340.6,[1] "Special Pay for Duty Subject to Hostile Fire," Aug. 1, 1968) or other area as prescribed by the Secretary of Defense, will not be required involuntarily to perform duty as described in § 101.3(a)(1)(i)(a), above. They may, however, be required to participate or serve on active duty for training for not more than thirty (30) days each year, unless otherwise specifically prescribed by the Secretary of Defense.

(iii) Enlisted individuals who have served 2 or more years on active duty (other than for training), none of which is served in a combat zone, will not be required to perform duty as described in § 101.3(a)(1)(i)(a), above, unless, after diligent recruiting effort, it is determined that a vacancy in a Ready Reserve unit cannot otherwise be filled.

(2) The policy stated in § 101.3(a)(1)(i)(a) and (b) is not applicable to graduates of the Federal and State Maritime Academies who are commissioned in the Naval Reserve.

(3) The policies stated in § 101.3(a)(1)(ii) and (iii) above, do not apply to those enlisted reservists who volunteer to serve in a reserve program, and who, by separate agreement, incur an obligation to participate in the Ready Reserve in an active training status during their statutory period of service in the Ready Reserve.

* * * * *

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

MAY 14, 1969.

[F.R. Doc. 69-5971; Filed, May 19, 1969; 8:50 a.m.]

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

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER C—SHIPPING AND NAVIGATION

PART 119—LICENSING OF OFFICERS

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, Part 119 of Title 35, Code of Federal Regulations is amended as follows:

1. The table of contents is revised to read as follows:

2. Section 119.2 is revised to read as follows:

§ 119.2 Term of licenses.

Licenses, except those issued to marine personnel of the Panama Canal Company for the period specified in § 119.4(e), shall be issued for a term of 3 years and shall be valid for that period unless earlier suspended or revoked under § 119.4.

3. The second sentence of § 119.3 is revised to read as follows:

§ 119.3 Appeal from action refusing license.

* * * The appeal must be entered within 15 days after the final action of the Board.

* * * * *

4. Section 119.4(e) is amended by adding a new sentence at the end, reading as follows:

§ 119.4 Suspension or revocation of licenses.

* * * * *

(e) * * * A licensee whose license is valid for the period of his employment with the Panama Canal Company in accordance with the provisions of this paragraph shall, at each 3-year interval after the original license is issued, file an official certificate of a physician of the Canal Zone Government attesting to the applicant's acuity of vision, color sense, and general physical condition.

5. Section 119.6(b) is revised to read as follows:

§ 119.6 Citizenship and employment of licensees.

* * * * *

(b) Only persons who are actually employed in, or conditionally eligible for appointment to, a position subject to licensing under this part, or who can establish that they have a bona fide intention to operate a motorboat for recreational or other private purposes within Canal Zone waters, may be issued an original license under this part. Renewals may be issued irrespective of the employment requirement, if in the judgment of the Supervising Inspector the likelihood of return to Canal Zone employment and other circumstances warrant renewal.

6. Section 119.10 is revised to read as follows:

§ 119.10 Age and literacy requirements.

A person who has reached the age of 19 years and who has the necessary experience is eligible for examination. However, an applicant for license as pilot, master, mate, first mate, second mate, third mate, chief engineer, first assistant engineer, second assistant engineer, or third assistant engineer must be able to read and write either English or Spanish and converse fluently in the English language. The examination will be given in either English or Spanish according to the choice of the applicant. To qualify for issuance of any license except third mate, third assistant engineer or motorboat operator, the applicant must have reached the age of 21 years.

7. Section 119.11 is revised to read as follows:

§ 119.11 Knowledge of first aid.

A candidate for an original license as master, mate, pilot, or engineer, may not be examined unless he presents satisfactory evidence to the Board that he has completed a course of instruction and passed an examination in the principles of first aid administered by a physician or surgeon of the Canal Zone Government. Possession of any valid U.S. Coast Guard license shall constitute satisfactory evidence of the applicant's compliance with this requirement.

8. Paragraphs (f) and (h) of § 119.12 are revised to read as follows:

§ 119.12 Physical and experience requirements.

* * * * *

(f) No original license shall be issued to any person unless 25 percent of the required experience has been obtained within the 3 years immediately preceding the date of application. Such period shall include, in addition to the 3 years specified, any service in the Armed Forces of the United States that immediately preceded or interrupted the last 3 years spent by the applicant in a civilian status prior to the date of the application. When an applicant for a license as engineer does not meet the requirement of this paragraph, but is otherwise qualified, the Board may examine him and recommend to the Supervising Inspector that he be licensed. In such cases a license may be issued provided the applicant has satisfactorily completed a 90-day period as traineee aboard applicable equipment of the Panama Canal Company.

* * * * *

(h) An applicant for a license, who is a naturalized citizen of the United States or Panama and who has obtained his experience on foreign vessels, may not be given a grade of license higher than that in which he has served. However, this paragraph shall not apply to persons qualifying for license under the Panama Canal Company master and engineer training programs.

9. Subpart B—Masters, is revised as follows: The title of § 119.61 is revised, present § 119.61 is revised and designated § 119.61(a), new paragraph § 119.61(b) is added, present § 119.62 is revised and designated § 119.62(a), new paragraph § 119.62(b) is added, and §§ 119.63 and 119.64 are revised. As revised Subpart B reads as follows:

Subpart B—Masters

AUTHORITY: The provisions of this Subpart C issued under 2 C.Z.C. sec. 1331, 76A Stat. 46; 35 CFR 3.3(a)(4).

§ 119.61 Master, steam and motor vessels; experience required.

(a) An applicant for license as master of steam and motor vessels shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he has had 2 years of experience as a licensed officer in charge of a deck watch on steam or motor vessels over 75 feet in length. Tonnage limitations applicable to such prior service shall be evaluated by the Board.

(b) The license issued to an applicant under paragraph (a) of this section shall be limited to vessels not exceeding 1,500 gross tons if he passes the examination described in § 119.62(a). If the applicant passes the examination described in § 119.62(b), the license shall be limited to vessels not exceeding 500 gross tons.

§ 119.62 Same; examination.

(a) An applicant for license as master of steam and motor vessels not exceeding 1,500 gross tons must pass an examination as to his knowledge of the subjects listed in §§ 119.104, 119.106, 119.108, and paragraph (b) of this section and as

to his knowledge of the following subjects:

(1) Longitude by chronometer.

(2) Latitude by meridian altitude of the sun.

(3) Latitude by polaris.

(4) Dead reckoning.

(5) Azimuth of the sun from tables.

(6) Azimuth of stars from tables.

(7) Ocean winds, weather, tides, and currents.

(8) Aids to navigation in general use.

(b) An applicant for license as master of steam and motor vessels not exceeding 500 gross tons must pass an examination as to his knowledge of the subjects listed in §§ 119.104, 119.106, and 119.108 and as to his knowledge of the following subjects:

(1) Piloting.

(2) Ship sanitation.

(3) Lead line, sounding machine, and fathometer.

(4) Storm signals.

(5) Use of the Lyle gun for lifesaving.

(6) Ship construction including design and operating characteristics of motor vessels.

§ 119.63 Master, non-self-propelled floating equipment; experience.

An applicant for license as master of non-self-propelled floating equipment shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he has had 1 year of qualifying experience as mate on non-self-propelled floating equipment while holding a license as mate of such equipment.

§ 119.64 Same; examination.

An applicant for license as master of non-self-propelled floating equipment must pass an examination as to his knowledge of the following subjects:

(a) Operation and maintenance of non-self-propelled floating equipment.

(b) Lifesaving equipment.

(c) Fire prevention and firefighting.

(d) The rules contained in Parts 103, 111, 113, 115, 117, 121, 123, 125, and 129 of this title.

(e) Ship construction.

(f) Ship sanitation.

(g) Such further examination of a nonmathematical character as the Board may require.

10. Subpart C—Mates, is amended by revising §§ 119.101 and 119.102 and by adding new §§ 119.103, 119.104, 119.105, 119.106, 119.107, and 119.108. As revised Subpart C reads as follows:

Subpart C—Mates

Sec.

AUTHORITY: The provisions of this Subpart B issued under 2 C.Z.C. sec. 1331, 76A Stat. 46; 35 CFR 3.3(a) (4).

§ 119.101 Mate, non-self-propelled floating equipment; experience required.

An applicant for mate of non-self-propelled floating equipment shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he has:

(a) Served a 4-year apprenticeship as mate, dredge; or

(b) Completed 2 years of qualifying experience in the deck department of non-self-propelled floating equipment and completed adequate apprenticeship training; or

(c) Such other experience as upon the recommendation of the Chief, Dredging Division is considered to be a satisfactory equivalent thereto.

§ 119.102 Same; examination.

An applicant for license as mate of non-self-propelled floating equipment must pass an examination as to his knowledge of the following subjects:

(a) Operation and maintenance of non-self-propelled floating equipment.

(b) Lifesaving equipment.

(c) Fire prevention and firefighting.

(d) The rules contained in Parts 103, 111, 113, 115, 117, 121, 123, 125, and 129 of this title.

§ 119.103 Third mate, motor vessels (master—motor vessels not exceeding 75 feet in length); experience required.

An applicant for license as third mate of motor vessels (master—motor vessels not exceeding 75 feet in length) shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he meets one of the following qualifying standards of experience:

(a) Satisfactory completion of 4 years of classroom and practical experience in the Panama Canal training program for license as master of motor vessels; or

(b) Satisfactory completion of 520 eight-hour watches aboard Panama Canal Company motor vessels as master—trainee, while holding a rating of rigger, or operating engineer (hoisting equipment), or mate—dredge, and completion of acceptable training in firefighting; or

(c) Has satisfactorily served in the rating of able seaman, seaman, motor vessel boatswain, or launch operator for a period of 2 years and completed adequate maritime training together with acceptable training in firefighting and completion of 260 eight-hour watches on motor vessels at any of these ratings.

§ 119.104 Same; examination.

An applicant for license as third mate of motor vessels (master—motor vessels not exceeding 75 feet in length) must pass an examination as to his knowledge of the following subjects:

(a) Compass deviation by ranges.

(b) Aids to navigation in Canal Zone waters and lighting of the Panama Canal.

(c) Tides, currents, wind, and weather in Canal Zone waters.

(d) International Rules of the Road.

(e) Rules for the Prevention of Collision in Canal Zone waters.

(f) Lock and Cut signals and operations in the locks and Cut.

(g) Seamanship and practical handling of motor vessels including ship and barge work and dredge tending.

(h) Lifesaving equipment.

(i) Fire prevention and firefighting.

(j) Depth of channels, anchorages, moorings, and harbors.

(k) Chart navigation.

(l) The rules contained in Parts 103, 111, 113, 115, 117, 121, 123, 125, and 129 of this title.

(m) Such further examination of a nonmathematical character as the Board may require.

§ 119.105 Second mate, motor vessels; experience required.

An applicant for license as second mate of motor vessels shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he has completed 1 year of qualifying experience as third mate of motor vessels (master—motor vessels not exceeding 75 feet in length) on Panama Canal Company motor vessels, including at least 90 eight-hour training watches aboard a motor vessel while so licensed.

§ 119.106 Same; examination.

An applicant for license as second mate of motor vessels must pass an examination as to his knowledge of the subjects listed in § 119.104 and of the following subjects:

(a) Practical use of the magnetic compass.

(b) Instruments and accessories.

(c) Signaling by international code flags.

(d) Bearing and distance from a fixed object.

(e) A practical demonstration of his ability to operate a motor vessel properly and safely. Such demonstration shall be in the presence of and to the satisfaction of the Board of Local Inspectors.

§ 119.107 First mate, motor vessels; experience required.

An applicant for license as first mate of motor vessels shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he has completed 1 year of qualifying experience on Panama Canal Company motor vessels as second mate of motor vessels.

§ 119.108 Same; examination.

An applicant for license as first mate of motor vessels must pass an examination as to his knowledge of the subjects listed in §§ 119.104 and 119.106 and of the following subjects:

(a) Use of local area charts in piloting.

(b) General traffic patterns including type of traffic to be encountered.

(c) Special and peculiar hazards to navigation in Canal Zone waters.

(d) Special rules, signals, and customs in Canal Zone waters.

§§ 119.181 and 119.182 [Revoked]

11. Sections 119.181 and 119.182 are revoked.

§ 119.221 [Amended]

12. Section 119.221 is amended by revoking paragraph (b).

13. Section 119.222 is amended as follows: Paragraph (a) is revised and paragraph (b) is revoked. As amended, § 119.222 reads as follows:

§ 119.222 Chief engineer, steam vessels; experience required.

The minimum experience required to qualify an applicant for license as chief engineer of a steam vessel is as follows:

(a) One year's experience as first assistant engineer of steam vessels; or

(b) Two years' experience as second assistant or junior first assistant engineer in charge of a watch on steam vessels while holding a license as first assistant engineer of steam vessels; or

(c) While holding a license as chief engineer of motor vessels, either—

(1) Six months' experience as first assistant engineer of steam vessels; or

(2) Six months' experience or 130 eight-hour watches as observer-chief engineer on steam vessels; or

(3) One year's experience as oiler, water tender, or junior engineer on steam vessels.

14. Section 119.223 is amended as follows: Paragraph (a) is revised and paragraph (b) is revoked. As amended, § 119.223 reads as follows:

§ 119.223 Chief engineer, motor vessels; experience required.

The minimum experience required to qualify an applicant for license as chief engineer of motor vessels is as follows:

(a) One year's experience as first assistant engineer of motor vessels; or

(b) Two years' experience as second assistant or junior first assistant engineer in charge of a watch on motor vessels while holding a license as first assistant engineer of motor vessels; or

(c) While holding a license as chief engineer of steam vessels, either—

(1) Three months' experience as first assistant engineer of motor vessels; or

(2) Three months' experience or 65 eight-hour watches as observer-chief engineer of motor vessels; or

(3) Six months' experience as oiler or junior engineer of motor vessels.

15. Section 119.224 is amended as follows: Paragraph (a) is revised and paragraph (b) is revoked. As amended § 119.224 reads as follows:

§ 119.224 First assistant engineer; steam vessels; experience required.

The minimum experience required to qualify an applicant for license as first assistant engineer of steam vessels is as follows:

(a) One year's experience as second assistant engineer of steam vessels; or

(b) Two years' experience as third assistant engineer in charge of a watch on steam vessels, while holding a license as second assistant engineer of steam vessels; or

(c) While holding a license as first assistant engineer of motor vessels, either—

(1) Six months' experience as second assistant engineer of steam vessels; or

(2) Six months' experience as observer-first assistant engineer on steam vessels; or

(3) One year's experience as oiler, water tender or junior engineer on steam vessels.

16. Section 119.225 is amended as follows: Paragraph (a) is revised and paragraph (b) is revoked. As amended § 119.225 reads as follows:

§ 119.225 First assistant engineer, motor vessel; experience required.

The minimum experience required to qualify an applicant for license as first assistant engineer of motor vessels is as follows:

(a) One year's experience as second assistant engineer of motor vessels; or

(b) Two years' experience as third assistant engineer in charge of a watch on motor vessels, while holding a license as second assistant engineer of motor vessels; or

(c) While holding a license as first assistant engineer of steam vessels, either—

(1) Three months' experience as second assistant engineer of motor vessels; or

(2) Three months' experience as observer-first assistant engineer of motor vessels; or

(3) Six months' experience as oiler or junior engineer on motor vessels.

17. Section 119.226 is revised to read as follows:

§ 119.226 Second assistant engineer, steam vessels; experience required.

The minimum experience required to qualify an applicant for license as second assistant engineer of steam vessels is as follows:

(a) One year's experience as third assistant engineer, while holding a license as third assistant engineer of steam vessels; or

(b) While holding a license as second assistant engineer of motor vessels, either—

(1) Six months' experience as third assistant engineer of steam vessels; or

(2) Six months' experience as observer-second assistant engineer on steam vessels; or

(3) One year's experience as oiler, water tender, or junior engineer on steam vessels; or

(c) Three years' experience as journeyman machinist engaged in the construction or repair of marine engines, together with 1 year's experience as oiler, junior engineer, or water tender on steam vessels.

18. Section 119.227 is revised to read as follows:

§ 119.227 Second assistant engineer, motor vessels; experience required.

The minimum experience required to qualify an applicant for license as second assistant engineer of motor vessels is as follows:

(a) One year's experience as third assistant engineer, while holding a license as third assistant engineer of motor vessels; or

(b) While holding a license as second assistant engineer of steam vessels, either—

(1) Three months' experience as third assistant engineer of motor vessels; or

(2) Three months' experience as observer-second assistant engineer on motor vessels; or

(3) Six months' experience as oiler or junior engineer on motor vessels; or

(c) Three years' experiences as journeyman machinist engaged in the construction or repair of marine engines, together with 1 year's experience as oiler or junior engineer on motor vessels.

19. Section 119.228 is amended as follows: Paragraphs (a) and (b) are revised, present paragraph (c) is revoked and a new paragraph (c) substituted therefor. As amended § 119.228 reads as follows:

§ 119.228 Third assistant engineer, steam vessels; experience required.

The minimum experience required to qualify an applicant for license as third assistant engineer of steam vessels is as follows:

(a) Three years' experience in the engine department of steam vessels as fireman, water tender, oiler, or other qualified member of the engine department and completion of adequate apprenticeship training and acceptable training in firefighting; or

(b) Completion of 260 8-hour watches in the engine room of Panama Canal floating equipment while the floating equipment is in service while holding a rating of journeyman machinist or electrician and completion of acceptable training in firefighting; or

(c) Four years of classroom and practical experience in the Panama Canal Company training program for chief engineer of steam vessels; or

(d) One year's service as oiler, water tender, or junior engineer on steam vessels while holding a license as third assistant engineer of motor vessels.

20. Section 119.229 is amended as follows: Paragraphs (a) and (b) are revised, present paragraph (c) is revoked and a new paragraph (c) substituted therefor and paragraph (d) is revised. As amended § 119.229 reads as follows:

§ 119.229 Third assistant engineer, motor vessels; experience required.

The minimum experience required to qualify an applicant for license as third assistant engineer of motor vessels is as follows:

(a) Three years' experience in the engine department of motor vessels as oiler or other qualified member of the engine department and completion of adequate apprenticeship training and acceptable training in firefighting; or

(b) Completion of 260 eight-hour watches in the engine room of Panama Canal floating equipment while the floating equipment is in service while holding

a rating of journeyman machinist or electrician and completion of acceptable training in firefighting; or

(c) Four years of classroom and practical experience in the Panama Canal Company training program for chief engineer of motor vessels; or

(d) One year's experience as oiler or junior engineer on motor vessels while holding a license as third assistant engineer of steam vessels.

§§ 119.230, 119.231, 119.232, 119.233 [Revoked]

21. Sections 119.230, 119.231, 119.232, and 119.233 are revoked.

22. Paragraph (a) of § 119.251 is revised to read as follows:

§ 119.251 Penalties for violation.

(a) Whoever violates the requirements of § 119.1 is subject to punishment as provided in 2 C.Z.C. § 1331, 76A Stat. 46, by a fine of not more than $100, or by imprisonment in jail for not more than 30 days, or by both.

* * * * *

(2 C.Z.C. § 1331, 76A Stat. 46; 35 CFR 3.3(a)(4))

Date signed: April 28, 1969.

[SEAL] W. P. LEBER,
Governor of the Canal Zone.

[F.R. Doc. 69-5921; Filed, May 19, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

SUBSIDIZED OPERATORS

Guidelines for Payment

In F.R. Doc. 67-14066 (32 F.R. 16436, Nov. 30, 1967) comments by interested parties were invited to be submitted by December 18, 1967, relative to the guidelines set forth therein for payment of operating-differential subsidy to subsidized operators.

In F.R. Docs. 67-14669 (32 F.R. 17980), 68-1375 (33 F.R. 2531), 68-3671 (33 F.R. 4996), 68-7031 (33 F.R. 8744), 68-9746 (33 F.R. 11547), 68-14043 (33 F.R. 17315), and 69-2858 (34 F.R. 4973), the date of December 18, 1967, was extended to February 5, 1968; April 1, 1968; July 1, 1968; September 3, 1968; December 2, 1968; March 31, 1969, and May 29, 1969, respectively.

Notice is hereby given that the notices published as stated above are hereby canceled.

Dated: May 14, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-5936; Filed, May 19, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SW-13]

FEDERAL AIRWAY

Proposed Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke a segment of V-61 from Wichita Falls, Tex., to Lawton, Okla. The annual Federal Aviation Administration peak day IFR airway traffic survey for the past two years indicated only one aircraft movement along this segment of V-61. Accordingly, this airway segment can no longer be justified as an assignment of airspace.

If this action is taken, no penalty would be imposed on IFR operations between Wichita Falls and Lawton as other controlled airspace is in effect and air traffic control service available.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on May 12, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-5934; Filed, May 19, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 250]

[Docket No. 21002; EDR-164]

PRIORITY RULES, DENIED BOARDING COMPENSATION, TARIFFS AND REPORTS OF UNACCOMMODATED PASSENGERS

Alternate Transportation Provided Passengers Denied Boarding

MAY 15, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 250 of its economic regulations (14 CFR Part 250) which would revise the exception to eligibility for denied boarding compensation where the carrier arranges alternate transportation for the passenger (§ 250.6 (b)). In addition, other minor revisions of the rule are proposed.

The principal features of the proposed amendment are described in the attached explanatory statement and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before June 19, 1969, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. Section 250.4 of the Economic Regulations provides that, subject to the exceptions set forth in § 250.6, carriers shall file tariffs providing compensation to qualified passengers holding confirmed reserved space where the flight for which the passenger holds such space is unable to accommodate them. Section 250.6(b) provides an exception where: "The carrier arranges for alternate means of transportation, which, at the time such arrangement is made, is planned to arrive at the passenger's next point of stopover[1] earlier than, or not later than 2 hours after, the time the flight, for which confirmed reserved space is held, is planned to arrive in the case of interstate and overseas air transportation, or 4 hours after such time in the case of foreign air transportation."

As noted, the exception literally applies only to alternate air transportation to the "next point of stopover". However, typical tariffs filed and accepted as conforming to § 250.4 refer to alternate air transportation "to the passenger's next point of stopover or if there is no next point of stopover, the passenger's destination". Although it has been routine administrative practice to consider such tariffs as complying with the regulation and it is the evident general understanding of the industry that it is within the intent of the rule that the exception extend to "destination", the Board considers it desirable to specifically so provide in order to avoid any possible future ambiguity on the question. Appropriate revision of § 250.6 is therefore being proposed.

The Board also tentatively finds that the term "stopover" should be amended

[1] "Stopover" is defined in § 250.1 as "a deliberate interruption of a journey by the passenger, agreed to in advance by the carrier, at a point between the place of departure and the place of destination."

and that criteria governing eligibility for denied boarding compensation for connecting passengers should be clarified. The present definition of "stopover" [3] is so broad as to cover two unlike situations: (1) An extended interruption of a trip between origin and destination made primarily to permit a passenger to engage in business or personal pursuits prior to continuing his onward journey; (2) a brief interruption of a journey at a junction point solely for the purpose of enabling the passenger to change to a connecting flight. In the first situation, the passenger is not under the exigency of making a connecting flight shortly after his planned arrival, and the impact of delay occasioned by denied boarding is similar to that where a passenger is delayed at his destination. In these circumstances, the passenger's inconvenience is to be measured in terms of when he arrives at the stopover, not destination, and the present regulation appears reasonable when applied to such a passenger.

This is not, however, the case with respect to a passenger whose stopover is solely for the purpose of making a connecting flight. If alternate transportation enables the passenger to make the connection, he can arrive at his destination at the planned arrival time, thus undergoing no real inconvenience. Nevertheless, under the present rule he can be eligible for denied boarding compensation under these circumstances. On the other hand, if the alternate transportation causes him to miss his connection, his arrival at his destination could be delayed considerably beyond 2 or 4 hours of his planned arrival. Thus, for example, under the present rules a passenger traveling via connection may be ineligible for compensation even though 6 hours late at his destination, whereas a denied boarding passenger traveling via single-plane service and only 2½ hours late at his destination is eligible.[3]

In view of the above, it is apparent that the present rules are inequitable in the case of connecting passengers. To remedy this situation, we propose (1) to revise the definition of "stopover" to apply only to an interruption, scheduled to exceed 4 hours, in a journel; [4] and (2) to amend § 250.6(b) so as to specifically include an exception where the carrier arranges for other transportation which is planned to arrive at the passenger's destination not later than 2 hours (or 4 hours) after the time the connecting flight on which the passenger holds confimed reserved space is planned to arrive.

In addition, a number of complaints have been filed with the Board indicating that the "alternate means of transportation" provided by carriers is frequently by light planes, buses, taxicabs in poor condition, or even "drive-ur-self" automobiles. Such alternate means of transportation are not comparable to the transportation purchased on the flight on which the passenger reserved space; and we do not believe that a carrier should escape liability for compensation by furnishing such transportation unless it is accepted by the passenger. We propose to amend § 250.6, therefore, to make the exception applicable where "the carrier arranges for comparable air transportation or other transportation accepted by the passenger". And "comparable air transportation" will be defined in § 250.1 as "transportation provided by air carriers or foreign air carriers holding certificates of public convenience and necessity or foreign permits issued by the Board".

It has also come to the Board's attention that alternate transportation has been provided to airports other than those at which passengers planned to arrive and even, in at least one instance, to an airport not serving the city specified as his destination on the ticket. Passengers can be severely inconvenienced by such arrangements. To remedy this situation, we propose to define "point", in connection with "point of stopover" or "destination point" in the exception, as the airport at which the direct or connecting flight on which the passenger holds confirmed reserved space is planned to arrive.

Finally, § 250.10 requires, inter alia, that carriers file, on a monthly basis, the information required by Appendix B of this Part (CAB Form 251). Item 2 of this report concerns "passengers who qualified for compensation in accordance with Part 250 and applicable tariff rules, but did not accept or were not offered compensation". Since it is a violation of the regulation not to offer qualified passengers compensation, the present wording of Item 2 is unsatisfactory. We propose to amend it to read: "Passengers who qualified for compensation in accordance with Part 250 and applicable tariff rules, but did not accept compensation offered." And a footnote would be added requiring carriers to append a statement as to any passengers not offered compensation and the reasons therefor.

Proposed rule. It is proposed to amend Part 250 of the Economic Regulations (14 CFR Part 250) as follows:

§ 250.1 [Amended]

1. Amend § 250.1 by revising the definition of "stopover" and adding definitions of "comparable air transportation" and "point" as follows:

"Comparable air transportation" means transportation provided by air carriers or foreign air carriers holding certificates of public convenience and necessity or foreign permits issued by the Board.

* * * * *

"Point" means the airport at which the direct or connecting flight, on which the passenger holds confirmed reserved space, is planned to arrive."

"Stopover" means a deliberate interruption of a journey by the passenger, scheduled to exceed 4 hours, at a point between the place of departure and the place of destination."

2. Amend § 250.6(b) to read as follows:

§ 250.6 Exceptions to eligibility for denied boarding compensation.

* * * * *

(b) The carrier arranges for comparable air transportation or other transportation accepted by the passenger, which, at the time such arrangement is made, is planned to arrive at the passenger's next point of stopover or, if none, at his destination point earlier than, or not later than 2 hours after, the time the direct or connecting flight, on which confirmed reserved space is held, is planned to arrive in the case of interstate and overseas air transportation, or 4 hours after in the case of foreign air transportation, or

* * * * *

§ 250.9 [Amended]

3. Amend the third paragraph of the statement following § 250.9 to read as follows:

In order to qualify for such compensation a passenger must have complied fully with the carrier's requirements as to ticketing, check-in and reconfirmation procedures and be acceptable for transportation under the carrier's tariff. However, a passenger is not eligible for compensation if (a) the flight for which the passenger holds confirmed reserved space is unable to accommodate him because of Government requisition of space or substitution of equipment of lesser capacity for operational and/or safety reasons; (b) the carrier arranges for comparable air transportation or other transportation accepted by the passenger, which, at the time such arrangement is made, is planned to arrive at the passenger's next point of stopover or, if none, at his destination point earlier than, or not later than 2 hours after, the time the direct or connecting flight, on which confirmed reserved space is held, is planned to arrive in the case of interstate and overseas air transportation, or 4 hours after in the case of foreign air transportation; or (c) the passenger is accommodated on the flight for which he holds confirmed reserved space, but is offered accommodations or is seated in a section of the aircraft other than that specified in his ticket at no extra charge: *Provided*, That a passenger seated in a section for which a lower fare is charged shall be entitled to an appropriate refund.

4. Amend the facing page of CAB Form 251 as set forth in the Appendix.[5]

[F.R. Doc. 69-5962; Filed, May 19, 1969; 8:49 a.m.]

[3] See footnote 1, supra.

[3] It is also to be noted that even where eligible for compensation, a connecting passenger receives only the value of his ticket between origin and connecting point, whereas the passenger traveling directly receives the value of his ticket between origin and destination.

[4] This definition has been adapted from Rule 28 of Local and Joint Passenger Rules Tariff No. PR-4 (CAB No. 43) providing "in no event will a stopover occur when the passenger departs from the intermediate or junction transfer point on a flight * * * [scheduled as] departing within 4 hours after his arrival at such point".

[5] Appendix filed as part of the original document.

FEDERAL TRADE COMMISSION

[16 CFR Part 408]

CIGARETTES IN RELATION TO THE HEALTH HAZARDS OF SMOKING

Unfair or Deceptive Advertising and Labeling

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has reinstituted its proceeding for the promulgation of Trade Regulation Rules regarding unfair and deceptive acts or practices in the advertising of cigarettes.

On June 22, 1964, the Commission, pursuant to its statutory authority, and on the basis of the data, views, and arguments submitted to the Commission by interested parties, and other pertinent matters of fact, law, policy, and discretion set forth in the Statement of Basis and Purpose, issued a Trade Regulation Rule which required that, after a specified date, all packs and other containers in which cigarettes are sold to the public, and all cigarette advertisements, contain a warning statement that cigarette smoking is dangerous to health and may cause death from cancer and other diseases.

The findings of fact which formed the basis for the rule included, but were not limited to, the following: [1]

(1) Cigarette smoking is a health hazard of significant importance in the United States to warrant appropriate remedial action.

(2) Cigarette smoking contributes substantially to mortality, to certain specific diseases, and to the overall death rate.

(3) Cigarette smoking is causally related to lung cancer in men; the magnitude of the effect of cigarette smoking far outweighs all other factors. The data for women, though less extensive, point in the same direction.

(4) Cigarette smoking is the most important of the causes of chronic bronchitis in the United States and increases the risk of dying from chronic bronchitis.

(5) The smoking of cigarettes is associated with an increased risk of dying from pulmonary emphysema.

On July 27, 1965, Congress enacted the Federal Cigarette Labeling and Advertising Act. The Act required that, effective January 1, 1966, every package of cigarettes display the following statement:

CAUTION: Cigarette Smoking May Be Hazardous to Your Health.

The Act also barred a requirement for any different statement relating to smoking and health on any cigarette package, and also barred a requirement for any statement relating to smoking and health in the advertising of cigarettes which had been labeled in conformity with the provisions of the Act. The provisions of the Act which bar such action in regard to cigarette advertising expire on July 1, 1969.

In view of the superseding provisions of the Federal Cigarette Labeling and Advertising Act, the Commission, on July 28, 1965, vacated the requirements of the Trade Regulation Rule referred to above. In vacating its rule, however, the Commission expressly declared that it was not "modifying the findings and conclusions underlying its Trade Regulation Rule" and noted that, in enacting the Federal Cigarette Labeling and Advertising Act, Congress had not rejected the basic factual premises of the Trade Regulation Rule and that the Act was consistent with "the basic factual findings and conclusions of the Commission contained in the Statement of Basis and Purpose of the Trade Regulation Rule."

Many of the Commission's findings which formed the basis for its Trade Regulation Rule were derived from the Report of the Surgeon General's Advisory Committee on Smoking and Health published on January 11, 1964. Since the issuance of the Surgeon General's Report, hundreds of additional studies have been made by public and private agencies regarding the adverse effects of cigarette smoking on health. The Report on Smoking and Health submitted to Congress by the Secretary of Health, Education, and Welfare in 1967 (which included the Surgeon General's Report to the Secretary on Current Information on the Health Consequences of Smoking) stated, inter alia:

(1) "In the three and one-half years since the publication of (the 1964 Surgeon General's Report), an unprecedented amount of pertinent research has been completed, continued, or initiated in this country and abroad under the sponsorship of governments, universities, industry groups, and other entities. This research has been reviewed and no evidence has been revealed which brings into question the conclusions of the 1964 report. On the contrary, the research studies published since 1964 have strengthened those conclusions and have extended in some important respects our knowledge of the health consequences of smoking."

(2) "To say that smoking 'may be hazardous' is to ignore the overwhelming evidence that cigarette smoking is clearly hazardous to health."

(3) "Cigarette smoking is the most important of the causes of chronic non-neoplastic bronchopulmonary diseases in the United States. It greatly increases the risk of dying not only from both [sic] chronic bronchitis but also from pulmonary emphysema."

(4) "There is an increasing convergence of many types of evidence concerning cigarette smoking and coronary heart disease which strongly suggests that cigarette smoking can cause death from coronary heart disease."

Unless Congress should extend the provisions of the Federal Cigarette Labeling and Advertising Act expiring on July 1, 1969, so as to bar such action, the Commission, relying upon its 1964 Findings and having reason to believe that cigarette smoking creates hazards to health which should clearly be disclosed to the public in all cigarette advertisements, proposes to readopt its 1964 Trade Regulation Rule, modified to read as follows:

In connection with the sale, offering for sale, or distribution in commerce (as "commerce" is defined in the Federal Trade Commission Act) of cigarettes, it is an unfair or deceptive act or practice within the meaning of § 5 of the Federal Trade Commission Act (15 U.S.C. § 45) to fail to disclose, clearly and prominently, in all advertising that cigarette smoking is dangerous to health and may cause death from cancer, coronary heart disease, chronic bronchitis, pulmonary emphysema, and other diseases.

All interested persons, including members of the consuming public, are hereby notified that they may file written data, views, or arguments bearing on the question whether the above proposed rule should be promulgated by the Commission, or on whether the Trade Regulation Rule issued on June 22, 1964, should be modified or repealed because of changed conditions or the public interest. Submittals should be filed with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, not later than June 20, 1969. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

A public hearing on the proposed rule and the subject matter of the proceeding will be held before the members of the Commission commencing at 10 a.m., e.d.t., on Tuesday, July 1, 1969, in Room 532 of the Federal Trade Commission Building, Washington, D.C. At the hearing, interested persons may appear and express their views as to the proposed rule and the subject-matter of the proceeding. Any person desiring to present his views at the public hearing shall file with the Secretary of the Commission, no later than June 20, 1969, the written text or summary of his oral presentation and the estimated time required for delivery. The Commission may impose reasonable limitations upon the length of time allotted to any person; if by reason of the limitations imposed the person cannot complete the presentation of his views he may, within twenty-four (24) hours, file a written statement covering those relevant matters which he did not orally present. A transcript of the hearing shall be made and shall constitute a part of the record of the proceeding, which will remain open for thirty (30) days after the close of the hearing.

The data, views, or arguments presented orally or in writing with respect to the proposed rule will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C.

[1] See trade regulation rule for the prevention of unfair or deceptive advertising and labeling of cigarettes in relation to the health hazards of smoking and accompanying statement of basis and purpose of rule, issued by the Commission on June 22, 1964.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

Trade Regulation Rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

All persons, firms, corporations, or others engaged in the sale or distribution of cigarettes in commerce, as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any Trade Regulation Rules promulgated in the course of this proceeding.

Issued: May 20, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-6040; Filed, May 19, 1969; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

WILMOT HARRIS SMITH

Notice of Granting of Relief

Notice is hereby given that Wilmot Harris Smith, 2211 Fifth Street, Lubbock, Tex. 79401, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction by the District Court of Lubbock County, Tex. on November 29, 1955, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Wilmot Harris Smith, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction, it would be unlawful for Mr. Smith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Wilmot Harris Smith's application and have found:

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

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

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Wilmot Harris Smith be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-5954; Filed, May 19, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 452]

ARIZONA

Notice of Filing of Plat of Survey

MAY 13, 1969.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Ariz., effective at 10 a.m., on June 17, 1969:

GILA AND SALT RIVER MERIDIAN

T. 7 S., R. 20 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, and 4, S½N½ and S½.

The areas described aggregate 1,227.52 acres.

2. All of the above-described land is embraced in the Coronado National Forest by Public Land Order No. 924 of October 23, 1953.

3. The land is mountainous land with rocky, clay loam soil covered with bunch grass, rabbit brush, cacti, and oak brush. Juniper timber and mesquite are scattered throughout. The habitat is well suited to quail, javelina, and deer noted throughout the area.

4. Since the land is withdrawn for the Coronado National Forest, the described land is open to the operation of the mining laws; but is withdrawn from appropriation or entry under the other Public Land Laws.

GLENDON E. COLLINS,
Manager.

[F.R. Doc. 69-5922; Filed, May 19, 1969; 8:46 a.m.]

[Colorado 4577]

COLORADO

Opening of Lands

MAY 12, 1969.

1. In an order issued April 16, 1969, the Federal Power Commission vacated power withdrawals created pursuant to the filing of applications for licenses on September 29, 1922, for Project No. 375 and on November 21, 1923, for Project No. 451 for the following described lands:

A. PROJECT NO. 375

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

All portions of the following tracts lying within the project boundary location, except that part including the right-of-way of the saw mill transmission line outside of the boundary of the pipeline right-of-way (50 feet from the center thereof) and that part including the right-of-way of the transmission line following up Goose Creek to the concrete weir, as shown on a map designated "Exhibit F" and entitled "Map covering Application for License, Hay Press Park Reservoir—6'' Supply Pipe Line—Weir—Saw Mill and Hydro Electric Water and Transmission Line in T. 40 N., R. 1 E.,—N.M.P.M.—Mineral County—State of Colorado—Rio Grande Nat'l Forest," as more particularly described and located by field notes designated as "Exhibit C" of the application for license, all having been filed in the office of the Federal Power Commission on January 19, 1923.

T. 40 N., R. 1 E.,
Sec. 28, NE¼SE¼, SW¼SE¼, N½SE¼SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, N½NW¼NE¼, N½NW¼, SW¼NW¼.

All portions of the following tracts lying within 50 feet of the centerline of the transmission line locations from boundary of pipeline right-of-way to the saw mill and from powerhouse following up Goose Creek to the concrete weir as shown on a map designated "Exhibit F" and entitled "Map covering Application for License, Hay Press Park Reservoir—6'' Supply Pipe Line—Weir Saw Mill and Hydro Electric Water and Transmission Line in T. 40 N., R. 1 E.—N.M.P.M.—Mineral County—State of Colorado—Rio Grande Nat'l Forest," as more particularly described and located by field notes designated as "Exhibit C" of the application for license, all having been filed in the office of the Federal Power Commission on January 19, 1923.

T. 40 N., R. 1 E.,
Sec. 32, SE¼SE¼;
Sec. 33, SW¼SW¼NE¼, W½SE¼SW¼NE¼, NW¼, N½SW¼, SW¼SW¼.

B. PROJECT NO. 451

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 40 N., R. 1 E.,
Sec. 27, NE¼SW¼, NW¼SE¼;
Sec. 28, SE¼SE¼SE¼;
Sec. 34, NW¼NW¼.

The areas described aggregate approximately 201 acres.

2. The lands formerly in Projects No. 375 and 451 are national forest lands in the Rio Grande National Forest.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the authority delegated to me by Bureau Order No. 701 of July 23, 1964, as amended, it is ordered as follows:

3. At 10 a.m. on June 17, 1969, the lands described in paragraph 1 shall be open to such forms of disposition as may by law be made of national forest lands.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver Colo. 80202.

J. ELLIOTT HALL,
Land Office Manager.

[F.R. Doc. 69-5923; Filed, May 19, 1969; 8:46 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MAY 13, 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. No. 66-924 on page 1126 of the issue for January 27, 1966. The applicant agency has cancelled 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.

Therefore pursuant to the regulations contained in 43 CFR, Part 2311, such lands at 10 a.m. on June 20, 1969, will be relieved of the segregative effect of the above-mentioned application.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-5940; Filed, May 19, 1969; 8:48 a.m.]

Fish and Wildlife Service

[Docket No. B-461]

JOHN FAULKINGHAM

Notice of Loan Application

MAY 13, 1969.

John Faulkingham, Beals, Maine 04611, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 37-foot length overall wood vessel to engage in the fishery for lobster 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. 69-5956; Filed, May 19, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

OKLAHOMA

Notice of Authorization for Grazing and Harvesting of Hay on Diverted Acreage in Designated Counties

Notice is hereby given that the Secretary of Agriculture has authorized the grazing or harvesting of hay, as indicated, on acreage designated as diverted from the production of crops under the Soil Bank Program (7 CFR Part 750), the Cropland Adjustment Program (7 CFR 751), the Cropland Conversion Program (7 CFR Part 751), the Feed Grain Program (7 CFR Part 775), and the Upland Cotton Program (7 CFR Part 722), in the counties specified in this notice. Grazing and haying on the diverted acreage shall be permitted only when specifically approved by the county ASC committee, or its designee. Grazing and haying shall be subject to the terms and conditions in the regulations for each program and instructions issued with respect thereto, which are available in the county ASCS offices. The designated counties are as follows:

OKLAHOMA

Alfalfa.	Grant.
Beaver.	Harper.
Cimarron.	Texas.
Ellis.	Woods.
Garfield.	Woodward.

Signed at Washington, D.C., on May 9, 1969.

CHAS. M. COX,
Acting Deputy Administrator for State and County Operations, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-5944; Filed, May 19, 1969; 8:48 a.m.]

Office of the Secretary

TOBACCO INSPECTION AND PRICE SUPPORT SERVICES

Notice of Public Hearing Regarding Application for Proposed New Market at Yadkinville, N.C.

Notice is hereby given of a public hearing to be held upon the applications of J. A. Miller, Sr., Post Office Box 96, Yadkinville, N.C., and the Yadkin County Tobacco Marketing Committee, Yadkinville, N.C., for tobacco inspection and price support services for a proposed new market at Yadkinville, N.C.

The hearing will be held in the courtroom of the Yadkin County Courthouse at Yadkinville, N.C., beginning at 10 a.m., on May 28, 1969.

The aforesaid public hearing will be conducted and evidence received pursuant to the concurrent and identical policy statements and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets (7 CFR Part 29, Subpart A).

Done at Washington, D.C., this 13th day of May 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-5983; Filed, May 19, 1969; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(69)-2]

INTERAGRA, S.A.

Order Denying Export Privileges for an Indefinite Period

In the matter of Interagra S.A., 16, Rue Auber, Paris 9, France, Respondent.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all export privileges for an indefinite period because the said respondent, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations). A temporary denial order has been in effect against the above respondent since February 14, 1969 (34 F.R. 2514 and 6624).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent is a French corporation with a place of business in Paris, France, and is engaged in trading in agricultural goods; that the respondent imported into France approximately 12,000 tons of U.S.-origin triple superphosphate, an agricultural chemical; that the invoice issued by the U.S. supplier to respondent for the material bore a destination control statement showing France as the country of ultimate destination; that the material was shipped by vessel from the United States and arrived in Bordeaux, France, and was transloaded on to another vessel and was reexported to

Cuba. The Investigations Division is conducting an investigation into the facts and circumstances of this transaction, including the details of respondent's participation therein and its dealings with other parties to the transaction. It is impracticable to subpoena the respondent, and relevant and material interrogatories were served on it pursuant to § 382.15 of the Export Regulations. The respondent also, pursuant to said section, was requested to furnish certain specific documents relating to the transaction. Said respondent has failed to furnish answers to said interrogatories and to furnish the documents requested as required by said section, and it has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period may properly be entered under § 382.15 of the Export Regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. This order supersedes the temporary denial order issued against the above respondent on February 14, 1969 (34 F.R. 2514) and extended on April 11, 1969 (34 F.R. 6624).

II. The respondent, its successors, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents, employees, representatives, partners, and to any person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers to the interrogatories heretofore served upon it and furnishes the documents requested therein or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges, or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: May 14, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-5939; Filed, May 19, 1969; 8:48 a.m.]

[Case No. 361; Files Nos. 22(69)-2, 22(69)-3]

ILMARI KOKKONEN ET AL.

Notice of Related Party Determinations

In the matter of Armas Kosonen, Rainco Oy, Industronic Oy, Hameentie 155 C Tavastvagen, Helsinki 56, Finland.

An order dated October 24, 1966, was entered by the Office of Export Control, Bureau of International Commerce, against Ilmari Kokkonen doing business as Tetalon, Helsinki, Finland, denying him all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for the duration of export controls. This order was published in the FEDERAL REGISTER on November 1, 1966 (31 F.R. 13949).

Section 382.1(b) of the Export Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section Armas Kosonen and the firms Rainco Oy and Industronic Oy, all located at the above address, are related parties to said Ilmari Kokkonen. Under these determinations the terms and restrictions of the order of October 24, 1966, are effective against said related parties.

The said related parties have been notified of these determinations and have been advised that if they contend that the rulings are not justified, they may make application to have the rulings reconsidered or terminated. Due notice will be given of any termination or change in these related party determinations.

Dated: May 14, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-5955; Filed, May 19, 1969; 8:49 a.m.]

Office of the Secretary

[Dept. Order 83, Amdt. 4]

ORGANIZATION OF THE DEPARTMENT OF COMMERCE

Chart

The following amendment to the order was issued by the Secretary of Commerce on May 2, 1969. This material further amends the material appearing at 32 F.R. 13422 of September 23, 1967; supersedes the material appearing at 32 F.R. 20819 of December 27, 1967, and 34 F.R. 770 of January 17, 1969; and supersedes the section 6 portion of the material appearing at 33 F.R. 4894 of March 22, 1968.

Department Order 83, dated September 13, 1967, is hereby further amended as follows:

In section 6. *Effect on other orders* paragraph .02 is revised to read:

.02 As organizational changes are made affecting the organization chart attached to this order,[1] the Assistant Secretary for Administration shall issue from time to time, over his signature, an updated chart replacing the attachment.

[1] Filed as part of the original document.

(The first such issuance is being distributed with this amendment.)

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-5898; Filed, May 19, 1969; 8:51 a.m.]

[Dept. Order 20]

OFFICE OF PUBLIC AFFAIRS

Establishment and Functions

The following order was issued by the Secretary of Commerce on April 30, 1969. This material supersedes the material appearing at 28 F.R. 9402 of August 27, 1963.

SECTION 1. *Purpose.* This order establishes the Office of Public Affairs and prescribes the general functions of the Office.

SEC. 2. *General.*

.01 The Office of Public Affairs is hereby established as a Departmental office to be headed by the Special Assistant to the Secretary for Public Affairs (the "Special Assistant").

.02 The Special Assistant shall be assisted by a Deputy Director of Public Affairs who shall perform the duties of the Special Assistant during the latter's absence.

.03 The Office of Public Information is hereby abolished. Its functions, and the duties heretofore assigned to the Special Assistant, are consolidated, and are to be performed by the Office of Public Affairs as described in this order.

SEC. 3. *Delegation of authority.* Subject to such policies and directive as the Secretary may prescribe, the Special Assistant is delegated full authority for the planning, development, and execution throughout the Department of effective programs of communication with the public covering all aspects of the Department's diverse programs and activities.

SEC. 4. *Functions.* The Office of Public Affairs shall:

a. Serve as the principal adviser to and representative of the Secretary in all matters related to fully and effectively communicating Department of Commerce policies, programs, actions, and information to the public, both directly and through the news media, and in matters concerned with maintaining effective relations with organizations primarily concerned with the Department's affairs;

b. Plan, develop, and implement a coordinated public affairs and information program throughout the Department;

c. Develop and issue such policy directives and instructions for the guidance of public affairs and information staffs of primary operating units of the Department as deemed necessary, and provide technical and such other direction and assistance as may be required to assure the fullest dissemination of information on Department activities in keeping with the principle of "an open Administration";

d. Act as the Department's principal liaison with appropriate officials of the White House and other agencies in assuring that Department of Commerce public information activities are consistent and properly coordinated with those of the entire Federal executive branch;

e. Perform all public information services required by the Secretary, the Under Secretary, other officials in the Office of the Secretary and, as appropriate, other officials of the Department, including handling of news conferences, arranging for radio and television broadcasts, preparation of speeches, and arranging for personal appearances;

f. Exercise functional supervision, including reviews for effectiveness, of public information activities of operating units, whether performed by information staffs or otherwise, and review and advise on the effectiveness of operating units in public affairs matters;

g. Review and approve for release all Commerce news items and other informational material, including speeches and publications; and

h. Take positive actions to assure the establishment and maintenance of effective and productive working relationships with all news media.

SEC. 5. *Savings provisions.*

.01 Nothing in this order shall affect the Departmental procedures and authorities established under and by Department Order 64, "Public Information" (32 F.R. 9734 of July 4, 1967).

.02 Any mention of or reference to the Office of Public Information in any other order shall be deemed to mention or refer to the Office of Public Affairs established hereunder.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 69-5899; Filed, May 19, 1969; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

IMPERIAL CHEMICAL INDUSTRIES, LTD.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2408) has been filed by Imperial Chemical Industries, Ltd., Mond Division, The Heath, Runcorn, Cheshire, England, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of chlorinated liquid paraffins (40–70 percent chlorinated) as components of food-packaging adhesives.

Dated: May 9, 1969.

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

[F.R. Doc. 69-5919; Filed, May 19, 1969; 8:46 a.m.]

CERTAIN TRADE CORRESPONDENCE ISSUANCES

Notice of Revocation

Beginning with the enactment of the Federal Food, Drug, and Cosmetic Act of 1938 (52 Stat. 1040), the Food and Drug Administration rendered informal opinions on many problems that arose under the act. These opinions, issued as Trade Correspondence (TC), represented the policy of the Food and Drug Administration based on specific problems and the application of the statute thereto.

Following passage of the Administrative Procedure Act of 1946 (60 Stat. 237), the Food and Drug Administration discontinued disseminating opinions as TC issuances, and since that time has published in the FEDERAL REGISTER statements of general policy or interpretation (21 CFR Part 3).

Opinions expressed in some TC issuances still serve as useful guidelines and accurately reflect present policies of the Food and Drug Administration; others need to be revised to reflect current policy; yet others have been superseded by amendments to the Federal Food, Drug, and Cosmetic Act, by enactment of the Poultry Products Inspection Act and the Fair Packaging and Labeling Act, or by regulations promulgated under these acts.

To avoid confusion as to the status of those TC issuances which have been superseded by laws which were later enacted or regulations which have since been promulgated, the Commissioner of Food and Drugs concludes that such TC issuances should be formally rescinded.

TC issuances not formally rescinded at this time are being reviewed, and the Food and Drug Administration plans to issue revised guidelines at the same time it rescinds TC issuances which do not accurately reflect current policies.

Therefore, notice is given that the following TC issuances are rescinded for the reasons indicated.

NOTE—the regulations cited, such as §1.106, § 3.44, § 131.15, etc., are all 21 CFR.

TC-1, 2, 3, and 4 *Sulfanilamide, Aminopyrine, cinchophen, neocinchophen, and related drugs for OTC use actionable under section 502(f) of the act.*

Superseded by the Durham-Humphrey Amendment (Public Law 82-215) to the Federal Food, Drug, and Cosmetic Act and the requirements for full disclosure information on prescription drugs.

TC-2 and 4.

As they relate to aminopyrine are further replaced by § 3.44 specifying how aminopyrine or dipyrone drug preparations may be marketed. See section 503(b), as amended, of the Federal Food, Drug, and Cosmetic Act and §§ 3.44 and 1.106(b)(3).

TC-13 *Notice to manufacturers of preparations of ovary.*

See § 3.3.

TC-14 *Warning statements for drug preparations.*

Superseded by § 131.15.

TC-29 *Trade (Brand) names, barbituric acid derivatives.*

Superseded by the Drug Amendments of 1962 (Public Law 87-781). See section 502(e), as amended, of the Federal Food, Drug, and Cosmetic Act and § 1.104.

TC-43 *Postponement regulation—cartons and lithographed labels.*

This was a transitional ruling which permitted continued use of cartons and labels completed prior to February 1, 1939, which complied with the Food and Drugs Act of 1906. It is now of historical interest only.

TC-44 *Citric acid (calcium citrate), arsenic, lead.*

Although no official tolerances have been established for arsenic and lead in citric acid and calcium citrate, these are now considered "food grade" if they meet the specifications in Food Chemicals Codex.

TC-47 *Goose-liver paste.*

Goose-liver paste is a poultry product subject to the Poultry Products Inspection Act, and to the extent that said act applies, it is exempt from the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act.

TC-49 *Chemicals in foods.*

This TC was superseded by the Food Additives Amendment of 1958 (Public Law 85-929) and regulations promulgated thereunder (Part 121).

TC-52 *Quantity of contents statement blown in bottle.*

Section 1.8(h), promulgated to implement the Fair Packaging and Labeling Act, prescribes lettering sizes for quantity of contents statements blown, embossed, or molded in glass or plastic

TC-58 *Certified Food Colors.*

The need for this TC issuance no longer exists due to the time that has elapsed since passage of the Federal Food, Drug, and Cosmetic Act of 1938 and its subsequent amendment by the Color Additives Amendment of 1960 (Public Law 86-618).

TC-64 *Frozen Desserts—exemption from ingredient statement.*

Following hearings in 1942 and 1951, standards of identity (Part 20) were promulgated for these foods under the names of ice cream, frozen custard, ice milk, fruit sherbets, and water ices.

TC-66 *Nonalcoholic carbonated beverages—exemption from ingredient statement.*

This TC was superseded by § 3.1 and a standard of identity for soda water (Part 31) has been promulgated.

TC-67 *Salad dressing.*

A standard of identity for salad dressing (§ 25.3) was promulgated after the issuance of this TC.

TC-69 *Sherbets and ices—declaration of artificial color.*

Standards of identity have been promulgated for sherbets and water ices (§§ 20.4, 20.5) that prescribe the declaration to be used when artificial coloring is added.

TC-72 *Ice cream—vanillin flavor.*

The standard of identity for ice cream (Part 20) prescribes the labeling thereof when flavor is derived in whole or in part from vanillin.

TC-82 *Anthelmintics for animals—warnings.*

Superseded by § 131.20.

TC-84 *Warnings—human drugs.*

Superseded by § 131.15.

TC-85 *Warnings.*

Superseded by § 1.106(b)(3), the full disclosure requirement.

TC-87 *Process cheese.*

A standard of identity for pasteurized process pimento cheese has been promulgated (§ 19.760).

TC-95 *New drugs.*

Superseded by the Drug Amendments of 1962 (Public Law 87-781). Amendments to sections 201(p) and 505 of the Federal Food, Drug, and Cosmetic Act redefined a new drug and provided for approval of applications.

TC-96 *Labeling of ice cream carton.*

Labeling requirements are now prescribed by regulations. Section 1.7 defines principal display panel and § 20.1(g) prescribes labeling which must accompany the words "ice cream" on principal display panel or panels.

TC-98 *Tincture of iodine U.S.P.*

Superseded by § 131.15 (antiseptics for external use) and section 502(e) of the Federal Food, Drug, and Cosmetic Act as amended by the Drug Amendments of 1962 which require a statement of the quantity of alcohol present in the article even though it is an official drug.

Article formerly designated Strong Tincture of Iodine is no longer an official drug.

TC-117 *Mercurochrome.*

Superseded by the Drug Amendments of 1962. See section 502(e), as amended, of the Federal Food, Drug, and Cosmetic Act. Official name of drug is Merbromin.

TC-123 *Official drugs—Exemptions from listing of ingredients.*

Superseded by the Drug Amendments of 1962. See section 502(e), as amended, of the Federal Food, Drug, and Cosmetic Act.

TC-136 *Arsenic—Fluorine—lead.*

The Federal Food, Drug, and Cosmetic Act of 1938 was subsequently amended by the Pesticide Amendment (Public Law 83-518) and the Food Additives Amendment (Public Law 85-929). Tolerances for residues of arsenic, fluorine, and lead on certain agricultural commodities have been established. The Food Chemicals Codex serves as a guide for specifications of impurities in "food grade" chemicals.

TC-144 *Caffeine in soft drinks such as "cola" beverages.*

A standard of identity (§ 31.1) has been promulgated for soda water. This standard requires that "cola" and "pepper" beverages contain caffeine and permits the addition of up to 0.02 percent caffeine to other soda waters with label declaration thereof.

TC-150 *Canned tomatoes—"solid pack".*

"Solid pack" tomatoes are now included in the standard of identity for canned tomatoes (§ 53.40).

TC-154 *Poultry;* TC-155 *Poultry — "milk fed"—"retail package";* and TC-156 *Undrawn poultry—labeling requirements.*

Poultry products and their labeling are now subject to the Poultry Products Inspection Act, and to the extent that said act applies, are exempt from the Federal Food, Drug, and Cosmetic Act and Fair Packaging and Labeling Act.

TC-166 *Macaroni products—noodles—ingredient declaration.*

Standards of identity have been promulgated for macaroni and noodle products (21 CFR Part 16) which prescribe composition and optional ingredient labeling for these products.

TC-171 *Flavoring compounds—coal-tar colors* and TC-182 *Coal-tar color certification procedure.*

The Color Additives Amendments of 1960 amended section 406(b) of the Federal Food, Drug, and Cosmetic Act by deleting references to "coal-tar colors." Part 8 prescribes procedures for the certification of color additives; § 8.30(b) exempts certain color additive mixtures from certification.

TC-186 *Sulfanilamide.*

Superseded by Durham-Humphrey Amendment and requirements for full disclosure. See section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act and § 1.106(b)(3).

TC-188 *Digitalis preparations—potency declaration.*

Superseded by the requirements of U.S.P. XVII in which drug is now official.

TC-191 *Drug nomenclature—titles.*

Superseded by the Drug Amendments of 1962. See section 502(e), as amended, of the Federal Food, Drug, and Cosmetic Act.

TC-202 *Marmalade.*

This TC was rescinded by TC-342. No standard of identity has been promulgated for marmalade.

TC-208 *Rubbing alcohol—isopropyl—labeling.*

Superseded by the requirements in N.F. XII in which the names designated as official are "Rubbing Alcohol" for the ethyl alcohol preparation and "Isopropyl Rubbing Compound" for the isopropyl alcohol preparation.

TC-213 *Fish fillets—sodium nitrite.*

Conditions for safe use of sodium nitrite in certain smoked cured fish have been established by § 121.1064.

TC-219 *Flavoring compounds—coal-tar colors.*

The Color Additives Amendments of 1960 amended section 406(b) of the Federal Food, Drug, and Cosmetic Act. Regulations concerning color additives (Part 8) have been promulgated.

TC-227 *Sodium perborate.*

Superseded by § 131.15.

TC-228 *Use of color in tablets (sodium bicarbonate) described in national formulary.*

Superseded by the requirements of U.S.P. XVII in which drug is now officially listed.

TC-233 *Monosodium glutamate—artificial flavor.*

Section 3.10 reversed the position taken by this trade correspondence letter. The policy appearing in § 3.10 is reaffirmed and amplified by that appearing in § 3.23.

TC-237 *Process cheese—artificial color.*

The composition and labeling of process cheese is now prescribed by a standard of identity (§ 19.750).

TC-238 *Confectionery—resinous glaze—shellac, carnauba wax, and stearic acid.*

Section 402(d) of the Federal Food, Drug, and Cosmetic Act was amended by Public Law 89-477 to permit use of safe nonnutritive substances in confectionery under certain conditions.

TC-240 *Confectionery—assorted chocolates—labeling.*

Requirements for labeling of assortments, resulting in variations in ingredients, are in

§ 1.10(e) and the entire ingredient statement is required to appear on a single panel of the label by § 1.10(h).

TC-250 *Jurisdiction of act.*

Hawaii is now a State. Since 1946 the Philippine Islands have been a republic. Section 201(a) of the Federal Food, Drug, and Cosmetic Act was amended to include the Commonwealth of Puerto Rico in the definition of "State." Section 201(b) excludes Puerto Rico and the Canal Zone from the definition of "Territory."

TC-255 *Cane and maple syrups—blends—invert sugar.*

Section 1.10(d) prescribes the labeling of mixtures of food ingredients where the proportion of an expensive ingredient has a material bearing on price or consumer acceptance.

TC-258 *Fish—fish fillets.*

This TC was canceled by § 3.204 published December 4, 1962 (27 F.R. 11493), and revoked November 14, 1964 (29 F.R. 15287). Section 5.7 provides an exemption from the quantity of contents declaration on wrapped fish fillets of nonuniform weight to be marked with the correct weight at point of sale.

TC-261 *Carbonated water—mineral salts—"club soda".*

"Club soda" is now defined by § 31.1.

TC-276 *Process cheese.*

This TC was rescinded by TC-341. Section 19.750 defines pasteurized process cheese and prescribes its labeling.

TC-279 *Cottage cheese—creamed cottage cheese.*

Standards of identity have been established for cottage cheese (§ 19.525) and for creamed cottage cheese (§ 19.530).

TC-292 *Italian style peeled tomatoes with added puree—labeling* and TC-305 *Canned tomatoes with tomato paste.*

The standard of identity for canned tomatoes (§ 53.40) has been amended to provide for tomato puree and tomato paste as optional packing media for canned tomatoes with appropriate label declaration.

TC-307 *Salad dressing—specific starches.*

The composition and optional ingredient labeling of salad dressing is now prescribed by the standard of identity for salad dressing (§ 25.3).

TC-311 *Dulcin—saccharin.*

Nonnutritive sweeteners that are generally recognized as safe are listed in § 121.101(d)(4). Dulcin is regarded as a poisonous substance which has no place in any food (§ 3.14).

TC-313 *Digitalis—potency—cat units.*

Superseded by requirements of U.S.P. XVII in which drug is now official.

TC-314 *Ampuls—labeling.*

Superseded by the requirements of the Drug Amendments of 1962. See section 502(e), as amended, of the Federal Food, Drug, and Cosmetic Act and § 1.104(h).

TC-317 *Sodium bisulphite—confectionery.*

Section 402(d) of the Federal Food, Drug, and Cosmetic Act was amended by Public Law 89-477 to permit nonnutritive substances in confectionery provided they are used under certain conditions.

TC-330 *Drugs dispensed on physician's prescription.*

Superseded by the Durham-Humphrey Amendment. See section 503(b)(2), as amended, of the Federal Food, Drug, and Cosmetic Act.

TC-331 *Calomel and soda tablets, N.F.*

Superseded by the Drug Amendments of 1962. See section 502(e), as amended, of the Federal Food, Drug, and Cosmetic Act. Article is no longer an official drug.

TC-335 *Certified coal-tar colors.*

Procedural and interpretative regulations concerning color additives have been promulgated (Part 8, Subpart A).

TC-336 *Vegetable colors—chlorophyll, etc.*

Chlorophyll copper complex and chlorophyllic copper complex are listed in § 8.501(g) for provisional cosmetic use on the basis of prior commercial sale but which have not been nor are now subject to certification. Alkanet root and cudbear extract are color additives for which no regulations have been promulgated to establish safe conditions of use.

TC-340 *Monsodium glutamate.*

Sections 3.10 and 3.23 supersede this TC.

TC-341 *Process cheese.*

A standard of identity has been promulgated for process cheese (§ 19.750) wherein composition and label declaration of optional ingredients are prescribed.

TC-343 *Ovarian substances administered orally.*

Superseded by § 3.3.

TC-346 *Canned applesauce.*

A standard of identity has been promulgated for applesauce (§ 27.80).

TC-351 *Laxative warnings—appendicitis.*

Superseded by § 131.15.

TC-353 *Foods exempt from ingredients declaration.*

Standards have been promulgated for some items. This TC was superseded by § 3.1 which terminated exemptions for many of the foods that had been granted exemptions.

TC-356 *Cincophen—neocinchophen.*

Superseded by regulation § 1.106(b)(3) requiring full disclosure information.

TC-360 *Aconite root—gelsemium—"laxative cold capsules".*

Superseded by § 3.516.

TC-370 *Magnesium citrate solution.*

Superseded by the requirements of N.F. XII in which article is now official and which permits use of "purified water" U.S.P. XVII.

TC-372 *Arsphenamine—directions for use.*

Superseded by the Durham-Humphrey Amendment and requirements for full disclosure information. See section 503(b), as amended, of the Federal Food, Drug, and Cosmetic Act and § 1.106(b)(3).

TC-375 *Prescription legend—nondangerous drugs—liver preparations.*

Superseded by the Durham-Humphrey Amendment and the Drug Amendments of 1962 and regulations requiring full disclosure information. See sections 503(b) and 502(f)(1), as amended, of the Federal Food, Drug, and Cosmetic Act and § 1.106(b)(3).

TC-383 *Notice to manufacturers of digitalis preparations.*

Superseded by the requirements of U.S.P. XVII.

TC-391 *Digitalis.*

Superseded by the requirements of the Durham-Humphrey Amendment and the requirements of U.S.P. XVII. See section 503(b), as amended, of the Federal Food, Drug, and Cosmetic Act.

TC-393 *Notice to manufacturers of veterinary anthelmintics.*

Superseded by § 131.20.

TC-400 and 414 *Sulfathiazole—sulfanilamide.*

Superseded by letters which were issued in 1954 to all distributors of O-T-C sulfonamide preparations stating these would henceforth be regarded as prescription drugs and by the full disclosure requirements of § 1.106(b)(3).

TC-403 *Oils in canned tuna fish.*

The standard of identity for canned tuna specifies the label declaration of the oil used as an optional ingredient (§ 37.1(h)(3)).

TC-413 *Phenol (warning).*

Superseded by § 131.15.

TC-421 *Rectal ointments containing belladonna or stramonium (warning).*

Superseded by § 131.15.

TC-423 *Warning statements (placement).*

Superseded by § 131.10.

TC-425 *Ampuls and solutions for injection (labeling).*

Superseded by Drug Amendments of 1962 and regulations pertaining to statement of ingredients for drugs. See § 502(e), as amended, of the Federal Food, Drug, and Cosmetic Act and § 1.104(h).

TC-430 *Glandular preparations.*

Superseded by § 3.3 and the Durham-Humphrey Amendment and the full disclosure regulation. See section 503(b), as amended, of the Federal Food, Drug, and Cosmetic Act and § 1.106(b)(3).

TC-3A *DDT in foods.*

Regulations prescribing tolerances for DDT have been promulgated (§§ 120.147, 120.147a, 120.147b, 120.147c, 121.1093, and 121.1093a).

TC-4A *Diethylstilbestrol (labeling).*

Superseded by the full disclosure requirements for drugs and the Durham-Humphrey Amendment. See §§ 1.106(b)(3) and 503(b), as amended, of the Federal Food, Drug, and Cosmetic Act.

Dated: May 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-5920; Filed, May 19, 1969; 8:46 a.m.]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (33 F.R. 5828 et seq., April 16, 1968), is hereby amended as follows:

8-B *Bureau of Data Processing and Accounts* (BDPA) through the *Division of Telecommunications Management*, BDPA, is superseded by the following:

Bureau of Data Processing and Accounts (BDPA). Directs the nationwide operations of a centralized EDP and tele-

communications facility for SSA, including systems design and analysis, programing, computer operations, and data transmission. Establishes, performs various operations, computations and analyses on, and maintains the basic records supporting Social Security programs, including records and accounts for determining entitlement to and computation of retirement, survivors, and disability insurance benefits, and for determining entitlement to and utilization of health insurance benefits. Develops earnings reporting standards and procedures for employers and the self-employed. Investigates and resolves reporting and earnings record discrepancies. Furnishes necessary data to the Department of the Treasury for proper crediting of FICA contributions to the Trust Funds. Directs and operates a large scale system for compiling comprehensive statistical data for program and management studies. Participates in legislative planning.

Assistant Bureau Director, Administration, BDPA. Directs, coordinates and implements the Bureau's management programs, involving such areas as: Personnel, training and career development, organization planning, procurement, budget and finance, and general management and service functions. Plans and directs the Bureau's short- and long-range planning efforts and the Bureau's appraisal program; personally directs the Bureau's equal employment opportunity and union management relations activities.

Division of Plans and Analysis, BDPA. Coordinates the Bureau's current and long-range planning efforts to assure that the necessary resources—manpower, budget, and equipment—are available to meet current and anticipated workload requirements. Recommends to the ABD, Administration, options, and work-processing modifications in light of anticipated changes in equipment and skills. Translates resources into action plans. Assesses progress of programs by measuring actual performance against planning estimates; determines significant deviations from projected plans and recommends corrective action; assures that proposed new programs or projects are consistent with long-range plans and goals. Coodinates the development of the Bureau's work plans and develops the Bureau's budget.

Division of Management, BDPA. Develops and coordinates the Bureau's administrative management activities in such areas as personnel management, training and career development, organization planning, procurement and related management activities. Administers the Bureau's appraisal program; makes recommendations for improving the effectiveness, efficiency, and economy of the Bureau's operations. Provides a variety of Woodlawn-wide services such as control distribution of incoming and outgoing mail, messengers, electrical and mechanical repairs, special equipment fabrication, and laborers.

Assistant Bureau Director, Systems, BDPA. Directs the planning and development, and makes recommendations concerning the use of SSA EDP, telecommunications, and microphotographic facilities. Plans and directs a systems (IDP and ADP) program for the design development and implementation of policies, procedures, methods, and systems for all the Bureau's functions as well as the data processing activities of SSA components. Participates in continuing research involving the latest techniques and technological developments in the fields of office machines, wire transmission, microphotographic and EDP equipment, and considers possible applications to meet Social Security Administration needs. Analyzes proposed legislation and policy changes for procedural and operational implications and for administrative feasibility.

Division of Claims Systems, BDPA. Designs operating policies, procedures, systems, and instructions for processing requests for earnings record information and claims action; providing appropriate service and control operations for initial claims; using the earnings record and employer address files for reference capability. Plans and directs the design of systems (IDP and ADP) for: the initial establishment and the maintenance of the master beneficiary record file, the preparation and maintenance of related subsidiary tape and microfilm files and for the preparation of operational and administrative reports to facilitate systems analysis and management.

Division of Health Insurance Systems, BDPA. Designs operating policies, procedures, systems, and instructions for: Maintaining a master file of all individuals eligible for HI benefits; enrolling beneficiaries; issuing identification cards; processing utilization queries and provider bills to the master utilization files; issuing notices of utilization; maintaining systems accounting controls for audit of providers/carriers and for trust fund accounting; providing EDP support for the SSA intermediary operations; and assisting other SSA systems components.

Division of Earnings Systems, BDPA. Designs operating policies, procedures, systems, (IDP and EDP), and instructions for: Establishing the social security records, processing all earnings data to update these records, issuing earnings statements; reconciling disagreements regarding earnings statements; and administering contractual coverage of State and local government employees, including the collecting of and accounting for all related payments. Devises systems for furnishing Trust Fund information to the Treasury Department. Coordinates the Division's operating procedures with other SSA components and governmental agencies.

Division of Post-Entitlement Systems, BDPA. Designs operating policies, procedures, systems, and instructions for: Effectuating post-entitlement actions so as to service the beneficiary and appropriately adjust the related master benefit records to reflect the changes; premium billing, collection and accounting functions for the supplementary medical insurance program; maintaining a record of outstanding SSA benefit overpayments, and providing accounting control of the file; providing a file reference capability to service daily requests for data from the master benefit file; providing numerous services, control subsystems and data files concerned with the total post-entitlement system, and furnishing statistical, management and study data related thereto.

Division of Computer Technology, BDPA. Designs, adapts, and maintains all EDP utility programs and systems. Provides advice and assistance with respect to the technical aspects of EDP systems to SSA components, State, Federal, domestic, and foreign organizations. Evaluates, assesses, and recommends acquisition of data processing equipment and software systems, so as to provide the most efficient, economical, and timely overall system to satisfy the Bureau's data processing needs.

Division of Telecommunications Systems, BDPA. Conducts appraisals of and recommends acquisition of record and voice telecommunications systems to support SSA programs. Develops and implements policies and procedures to assure efficient, economical, and effective communications services and facilities. Develops and issues technical operating manuals, directories, and training programs. Reviews and approves major changes of SSA telephone plant. Manages and operates central office telephone systems. Maintains technical liaison with SSA components, Federal agencies, private concerns, carriers, and vendors with regard to policy set by legislation, directives, contracts, and tariffs.

Assistant Bureau Director, EDP Operations, BDPA. Plans and directs the nationwide operation of a complex, large scale computer processing operation and wire data transmission system which is connected to over 700 field stations ranging from Hawaii to Puerto Rico. Exercises technical surveillance over payment center EDP equipment including use, scheduling and configuration. The nationwide operation utilizes a large variety of sophisticated EDP equipment that is used for the establishment and maintenance of earnings accounts and beneficiary rolls; preparation of benefit computations and awards, and data to payment centers from Benefit-in-Force rolls; and establishment and maintenance of health insurance rolls and data. This operation generates, processes and maintains the basic data utilized throughout the Social Security Administration.

Division of EDP Central Operation, BDPA. Maintains an extensive, multisystem complex of computers with responsibility for accomplishing SSA EDP operations on a nationwide basis. Performs claims benefit computations, posts several hundred million earnings items yearly to approximately 200 million master accounts, reinstates incorrectly or incompletely reported earnings, prepares form correspondence, furnishes earnings statements to account number holders, produces statistical data for the

Administration and other Government agencies. Electronically processes health insurance data including enrollment cards, master file maintenance, premium billing materials, and statistical operations. Performs computer operations in connection with updating beneficiary records, file reference and post-entitlement operations.

Division of EDP Network Operations, BDPA. Conducts the coordination and scheduling of the electronic data processes for the central office and payment centers. Provides technical surveillance over payment center EDP equipment (including use, scheduling and configuration). Overviews the operation of the nationwide EDP and telecommunications network systems, including central office, payment centers, and district offices. Coordinates and facilitates the expeditious flow of data and administrative traffic between all points of the systems. Develops emergency routing procedures, assists in development of configuration changes to insure proper utilization of EDP facilities.

Assistant Bureau Director, Operations, BDPA. Directs the Bureau's clerical and EAM operations (preceding and subsequent to electronic data processing), involving the establishment and maintenance of employee applications for social security account numbers, employer applications for identification numbers, beneficiary applications for hospital insurance identification cards; the receipt and processing of social security earnings reports; adjustments or corrections to posted earnings items; the maintenance of eligibility records for the health insurance programs and the identification and reintroduction into operations of health insurance bills and hospital notices improperly identified; the analysis and certification of all data concerning individual earnings accounts and insured status.

Division of Claims Operations, BDPA. Analyzes and reviews earnings data, determinations of quarters of coverage, first quarter of eligibility, increment years, total earnings, closing dates, divisor months, primary insurance amounts and in disability cases determination of whether work requirements are met; certifies this information to the district offices and payment centers for adjudication of OASI and DIB cases; combines and certifies earnings data from Railroad Retirement Board and SSA records; certifies to the Railroad Retirement Board earnings data from Bureau records; and makes preliminary findings of jurisdiction on handling claims involving both agencies.

Division of Health Insurance Operations, BDPA. Receives and examines health insurance bills by auditing and controlling the processing of payment records, analyzes discrepancies and reconciles differences; audits the beneficiary microfilm record, reviewing and correcting notices of hospital utilization before mailing to the beneficiaries; maintains health insurance records and answers or initiates correspondence relating to them; identifies and reinstates health insurance inquiries, doctor bills, and hospital notices reported incorrectly or incompletely as to name or account number; issues replacements for lost or incorrect health insurance identification cards.

Division of Earnings Operations, BDPA. Receives and examines reports of earnings covered under the Social Security Act; microfilms such reports prior to ADP operations; using EAM equipment, transfers earnings data from reports to punch cards and performing all required sorting, listing, blocking and auditing operations; prepares correspondence concerning the correcting and processing of employer wage reports and self-employment income reports to employers and to the Internal Revenue Service; performs clerical operations necessary for the audit and control of the quarterly updating of employer earnings accounts and reinstating improperly reported earnings items.

Division of Adjustments Operations, BDPA. Reinstates earnings items reported incorrectly or incompletely; resolves discrepancies between SSA records and individuals' statements of earnings and employment; processes notices received from the Internal Revenue Service correcting prior reports; adjusts accounts when account holders' identities have been confused; reviews district office determinations or makes determinations based on evidence submitted by district offices as to whether alleged employment is employment as defined by the Social Security Act; maintains registers of accounts established, files of suspended and reinstated items, employer wage reports, self-employed income reports, and detailed earnings listings; and answers or initiates correspondence relating to earnings records.

Division of Registration Operations, BDPA. Establishes and maintains the files of employee applications for social security account numbers, employer applications for identification numbers, and files of the Bureau's correspondence; controls the printing and distribution of prenumbered account number cards; issues duplicate account number cards after determining the correct account number; answers correspondence concerning individual and employer numbers; initiates the Bureau's processing of claims and related actions, establishing and maintaining the Bureau's State and local government accounts; furnishes photographic services for SSA headquarters. Provides and maintains a storage area for key duplicate records to be used in the event basic records are destroyed.

Assistant Bureau Director, Statistical Services, BDPA. Directs the planning and design of operational systems, procedures, EDP programs, and automated and clerical processing to provide or support a variety of SSA statistical or management requirements, including: Health insurance, disability, routine and special management studies, claims, employee earnings or self-employment income, including employee lifetime employment history. Advises other Social Security Administration components, Government agencies and nongovernment organizations on availability and adequacy of Social Security Administration records which can be used to undertake projects. Advises on cost factor for reimbursable work for other Government agencies and for contract negotiations with private industry.

Division of Claims Statistical Data, BDPA. Designs systems, methods, procedures, and EDP programs for a variety of statistical projects covering claims data, such as: State and county tabulations of benefits paid; disability operations reports; diaries for followup on disability claims cases; various reports on family benefits involving beneficiary data from the payment centers combined into family units. Conducts studies jointly with other components on problems of mutual concern. Provides liaison with other components regarding requests for statistical data.

Division of Health Insurance Statistical Data, BDPA. Designs methods, programs, and procedures covering a variety of health insurance projects including: Periodic preparation of a directory of providers of service, maintenance and usage of a provider of service master file, eligibility and utilization data, continuous health sample data, Part "B" payment records, selection and compilation of a 0.1 percent actuarial sample for the Office of the Actuary, control file of facilities participating under Medicare, Part "A" bills returned to intermediary, surveys of joint commission on the accreditation of hospitals, and the preparation of a large variety of miscellaneous lists, mailing labels and studies.

Division of Management Statistical Data, BDPA. Designs methods, programs, and procedures covering a variety of management projects which include: Compiling data for the operations research group and for the evaluation and measurement system; supporting the intrabureau management planning, control, analysis and research program, controlling SSA supply inventories; coding and compiling personnel statistics covering journal actions, health services, SSA employee suggestions, blood donors, accidents, SSA employee locator file and parking assignments, preparing minority group statistics, maintaining and furnishing data from the continuous work history sample; compiling data on annual earnings for employees covered under the Social Security Act, preparing tabulations related to socio-economic studies, worker or retiree mobility, and earnings patterns for specific groups or industries. Negotiates contracts with and furnishes pertinent data to other governmental and State agencies.

Division of Statistical Processing, BDPA. Compiles statistical information for projects undertaken by the Bureau through the media of electrical accounting machine equipment and electronic data processing. Edits and codes source material and assembles data. Maintains operating schedules, balancing controls, and a statistical library containing preliminary and final tabulations on all

projects processed. Conducts a continuing study of review procedures jointly with the Offices of Research and Statistics and the Actuary and with the Bureaus of Disability Insurance, Health Insurance, and District Office Operations, to improve the quality of data and to avoid duplication of efforts.

(Sec. 6, Reorganization Plan No. 1 of 1953)

Dated: May 13, 1969.

BERNARD SISCO,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 69-5982; Filed, May 19, 1969; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

ACCIDENTS NEAR BRADFORD, PA.

Notice of Hearing

In the matter of investigation of accident involving Allegheny Airlines Aircraft, Convair 580, of U.S. Registry N5802 which occurred 11.5 miles south of Bradford, Pa., December 24, 1968, Docket No. SA-410; in the matter of investigation of accident involving Allegheny Airlines Aircraft, Convair 580, of U.S. Registry N5825 which occurred 5.5 nautical miles south-southwest of Bradford, Pa., January 6, 1969, Docket No. SA-411.

Notice is hereby given that an Accident Investigation Hearing on the above matters will be held commencing at 9 a.m. (local time) on June 3, 1969, at the Holiday Inn, 100 Davis Street South, Bradford, Pa.

Dated this 14th day of May 1969.

[SEAL] THOMAS K. MCDILL,
Hearing Officer.

[F.R. Doc. 69-5973; Filed, May 19, 1969; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-337]

WESTINGHOUSE ELECTRIC INTERNATIONAL CO.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 9, 1969 (34 F.R. 6300), the Atomic Energy Commission has issued License No. XR-69 to Westinghouse Electric International Co., Division of Westinghouse Electric Corp., authorizing the export of components of a 810-megawatt electric nuclear power reactor to Statens Vattenfallsverk, Stockholm, Sweden. The export of these components to Sweden is within the purview of the present agreement for cooperation Between the Governments of the United States and Sweden.

Dated at Bethesda, Md., this 2d day of May 1969.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[F.R. Doc. 69-5938; Filed, May 19, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20878; Order 69-5-59]

DELTA AIR LINES, INC.

Order Providing for Further Proceedings Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of May 1969.

On April 2, 1969, Delta Air Lines, Inc. (Delta), filed an application, pursuant to Subpart N of Part 302 of the Board's procedural regulations, for amendment of its certificate of public convenience and necessity for route 24 so as to add a new segment authorizing it to provide nonstop service between Atlanta, Ga., and Kansas City, Mo., points on Delta's routes 24 and 8, respectively.

Airlift International, Inc., has filed a statement requesting that the board dismiss that portion of Delta's application which relates to all-cargo authority.[1]

Upon consideration of the foregoing, we do not find that Delta's application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart N. Accordingly, we order further proceedings pursuant to the provisions of Subpart N, §§ 302.1406-302.1410, with respect to Delta's application.

Accordingly, it is ordered, That:

1. The application of Delta Air Lines, Inc., Docket 20878, be and it hereby is set for further proceedings pursuant to Rules 1406-1410 of the Board's procedural regulations;

2. The motion of Trans World Airlines, Inc., for leave to file an otherwise unauthorized pleading be and it hereby is granted, and its motion to defer the present proceeding be and it hereby is denied;

3. This order shall be served upon all parties served by Delta Air Lines in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-5963; Filed, May 19, 1969; 8:49 a.m.]

[1] In addition, Trans World Airlines, Inc. (TWA), has filed a motion requesting the Board to defer all Subpart N proceedings, including this one, until completion of the new O&D Survey reporting program. Delta and American Airlines, Inc., have filed answers to TWA's motion, and TWA has filed a motion for leave to file a "statement of clarification." We will grant TWA leave to file the latter document, but will deny TWA's motion to defer insofar as it concerns the present proceeding. In its general aspect, the motion raises contentions which should have been asserted in the rulemaking proceeding in which Subpart N was adopted.

[Docket No. 18650; Order 69-5-60]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Carriage of Live Animals

Issued under delegated authority on May 14, 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act), and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at the 14th Meeting of the Traffic Handling and Accountancy Working Group (Cargo).

The agreement would supplement the IATA recommended practice[1] for the acceptance and handling of live animals with a publication entitled "IATA Manual for the Carriage of Live Animals by Air." This manual, which would not affect the present level of rates applicable to the movement of animals, incorporates the provisions of a previously Board-approved recommended practice. The manual also includes information for carriers and shippers on animal behavior; Government regulations—customs, health, and hygiene control; and general container requirements. While the manual contains various examples of containers and their specifications, this does not preclude the use of individual containers that conform to the basic requirements.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 20886 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-5964; Filed, May 19, 1969; 8:49 a.m.]

[1] While all IATA carriers may adhere to the agreement, a recommended practice is not binding upon the carriers.

[Docket No. 20976; Order 69-5-65]

PAN AMERICAN WORLD AIRWAYS, INC.

Order of Investigation and Suspension Regarding Certain Freight Rates

By tariff revisions[1] marked to become effective May 16 or 22, 1969, Pan American World Airways, Inc. (Pan American), proposes generally to raise numerous freight rates in the Miami-San Juan, Puerto Rico market, and from Seattle/Portland to Fairbanks, Alaska, as follows:

1. In the Miami-San Juan market, specific commodity rates on numerous commodities would be canceled and others would be increased.

2. From Portland/Seattle to Fairbanks, Pan American proposes to increase (a) minimum charges per shipment, (b) general commodity rates, and (c) numerous specific commodity rates (and to cancel others). Several rates on milk and cream would be reduced.

Pan American justifies the cancellation of numerous specific commodity rates in both markets on the ground that such rates have failed to produce significant traffic volume. It asserts, however, that if in the future shippers advise the carrier that there is a reasonable prospect of development of traffic in any of the commodities involved, the current rates would be reinstated.

The carrier claims, inter alia, that the increases proposed in general commodity rates and a number of specific commodity rates are warranted essentially by higher operating costs and the ability of the traffic to bear rates that more nearly cover costs.

Upon consideration of all relevant matters, the Board finds that the proposed increased rates to the extent that they apply on automobile engine hoods, fenders, and windshields and on furniture and parts from Seattle and Portland, Oreg., to Fairbanks and on wearing apparel and partly manufactured clothing from San Juan to Miami[2] may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation. The remaining rate changes of lesser magnitude would be permitted to become effective without investigation.

We note that the carrier claims that both groups of commodities involve relatively high costs because of the large cubic capacity utilized in the aircraft due to unusual shapes and dimensions of the commodities and because nothing can be loaded on top of them. Nevertheless, the rates proposed from Seattle/Portland to Fairbanks on furniture and parts and on automobile hoods, fenders, and windshields would be between 67 and 80 percent above current levels. The current rates for furniture would be raised to the proposed increased general commodity rates and those for auto parts to 150 percent of such rates. The rates proposed on wearing apparel and partly manufactured clothing from San Juan to Miami would result in increases of 100 percent for shipments of 1,000–2,199 pounds and 40 percent for larger shipments.

While we are permitting more moderate increases on other commodities, we believe that increases of the magnitude proposed, over two-thirds of the current level, for furniture, auto parts, and wearing apparel, would have a significant impact upon certain shippers. The foregoing action is consistent with that taken in Order 69-3-94, March 26, 1969, in which the Board suspended pending investigation general commodity rates proposed by United Air Lines, Inc. (United), involving increases at certain weight breaks not exceeding 33⅓ percent. As we stated in that order, although the carrier may be entitled to some revenue increases from air freight, we are not prepared to permit rate increases as high as those now before us to become effective and will suspend them pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the rates and provisions described in Appendix A attached hereto, and rules, regulations, and practices affecting such rates and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto are suspended and their use deferred to and including August 13, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint of the Commonwealth of Puerto Rico in Docket 20976 is dismissed;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon Pan American World Airways, Inc., and the Commonwealth of Puerto Rico, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

APPENDIX A

TARIFF CAB NO. 364 ISSUED BY INTERNATIONAL AIR TRAFFIC TARIFFS CORP., AGENT

On 22d Revised Page 26-M:

The rates for Item No. 4217 from Portland, Oreg., to Fairbanks, Alaska;

The reference mark or symbol "X" denoting cancellation of the rate for Item No. 9910 from Portland, Oreg., to Fairbanks, Alaska.

On 22d Revised Page 26-N:

The rates for Item No. 4217 from Seattle, Wash., to Fairbanks, Alaska;

The reference mark or symbol "X" denoting cancellation of the rate for Item No. 9910 from Seattle, Wash., to Fairbanks, Alaska.

On 21st and 22d Revised Pages 26-N:

The rates for Item No. 2200 (subject to the reference marks "B" and "C") from San Juan, P.R., to Miami, Fla.

[F.R. Doc. 69-5965; Filed, May 19, 1969; 8:49 a.m.]

[Docket No. 20660]

SEABOARD WORLD AIRLINES, INC. AND CAPITOL INTERNATIONAL AIRWAYS, INC.

Notice of Hearing Regarding Enforcement Proceeding

Complaint of Seaboard World Airlines, Inc., Complainant, v. Capitol International Airways, Inc., Respondent, Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on June 9, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Ralph L. Wiser.

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

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-5966; Filed, May 19, 1969; 8:50 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

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

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

[F.R. Doc. 69-5960; Filed, May 19, 1969; 8:49 a.m.]

[1] Revisions to International Air Traffic Tariffs Corp., Agent, Tariff CAB No. 364, filed bearing the posting date of Apr. 7, 1969, or the filing date of Apr. 16, 1969.

[2] A telegram requesting suspension and investigation of the proposed increased rates on wearing apparel and partly manufactured clothing from San Juan to Miami was received May 7, 1969, subsequent to the time established in the Board's regulations for receiving complaints requesting suspension (14 CFR 302.505). The Board will consider this as a request for investigation. Since the Board is suspending this proposal on its own motion, the matter of the request for suspension is moot.

FEDERAL HOME LOAN BANK BOARD

FIRST HUNTSVILLE CORP.

Notice of Receipt of Application for Permission To Acquire Control of Huntsville Savings and Loan Association

MAY 15, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the First Huntsville Corp., Huntsville, Tex., for permission to acquire control of Huntsville Savings and Loan Association, Huntsville, Tex., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)) and § 584.4 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition is to be effected by the purchase of at least 80 percent of the capital stock of Huntsville Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20052, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-5972; Filed May 19, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 69-26]

SEA-LAND SERVICE, INC.

General Increases in Rates in U.S. Atlantic/Puerto Rico Trade; Order of Investigation and Suspension

There has been filed with the Federal Maritime Commission by Sea-Land Service, Inc. Supplement No. 15 to Tariff FMC-F No. 2 (Pan-Atlantic Steamship Corp. FMC-F Series); Supplement No. 51 to Tariff FMC-F No. 3 (Pan-Atlantic Steamship Corp. FMC-F Series); Supplement No. 1 to Tariff FMC-F No. 18; and 1st Revised Page No. 52 and 3d Revised Page No. 60 to Tariff FMC-F No. 16, which generally increase rates and charges in the subject trade.

Upon consideration of said schedules, a protest thereto filed by the Commonwealth of Puerto Rico, and a reply filed by the carrier, there is reason to believe that the present level of rates and charges as well as the proposed increases may result in an unreasonably high rate of return and should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933. Further, the Commission is of the opinion that the investigation in this proceeding should specifically include the issue as to whether the operating and financial relationships between Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc., both wholly owned subsidiaries of McLean Industries, are proper under the shipping acts; and whether they should be treated as a single entity for regulatory purposes, and good cause appearing;

Therefore it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the proposed increase contained in the aforementioned supplements and revised pages, as well as the present rates and charges proposed to be increased thereby, with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued upon termination of the suspension period before the investigation has been concluded, such changed, amended or reissued matter will be included in this investigation;

It is further ordered, That the investigation in this proceeding shall specifically include the questions of whether the financial and operating relationships between Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc., are proper under the shipping acts, and whether they shall be treated in the future as a single entity for regulatory purposes;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the tariff matter described on page one hereof is suspended and the use thereof be deferred to and including September 17, 1969, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., a consecutively numbered supplement to each of the aforesaid tariffs which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 18, 1969, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That Sea-Land Service, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be consolidated for hearing and decision with Docket No. 69-23 (Gulf-Puerto Rico Lines, Inc.—General Increases in Rates in the U.S. Gulf/Puerto Rico Trade);

It is further ordered, That (I) a copy of this order shall forthwith be served on all respondents and protestants herein; (II) the said respondents and protestants be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon respondents.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this consolidated proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-5975; Filed, May 19, 1969; 8:50 a.m.]

[Docket No. 69-24]

SEATRAIN LINES, INC.

General Increases in Rates in U.S. Atlantic/Puerto Rico Trade; Order of Investigation and Suspension

There recently have been filed with the Federal Maritime Commission by Seatrain Lines, Inc., Supplements No. 47 and 22 to its Freight Tariffs FMC-F Nos. 1 and 3 bearing an effective date of May 16, 1969, which generally increase rates and charges in the subject trade by 10 percent.

Upon consideration of said schedules and a protest thereto, filed by the Commonwealth of Puerto Rico, there is reason to believe that the above-designated increased rates and charges should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued upon termination of the suspension period before the investigation has been concluded, such changed, amended, or reissued matter will be included in this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the said increased rates and charges is suspended and the use

thereof be deferred to and including September 15, 1969, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Seatrain Lines, Inc., consecutively numbered supplements to the aforesaid tariffs which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 16, 1969, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That Seatrain Lines, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent and protestant herein; (II) the said respondent and protestant be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon respondent;

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-5976; Filed, May 19, 1969; 8:51 a.m.]

[Docket No. 69-27]

SIAM (THAILAND) RUBBER POOL

Order for Investigation and Hearing

Agreement 8061, the Siam (Thailand) Rubber Pool (hereinafter the Pool), was approved by the Commission's predecessor in service pursuant to section 15 of the Shipping Act, 1916, on February 29, 1956. Both the initial and continued approval of any agreement under section 15 are dependent upon a determination that the agreement is not unjustly discriminatory as between carriers, shippers, exporters, importers, or ports or between exporters from the United States and their foreign competitors or contrary to the public interest or otherwise in violation of the Shipping Act, 1916, as amended, and that it does not operate to the detriment of the commerce of the United States. One prerequisite for approval of an agreement is the existence of transportation circumstances in the trade covered by the agreement which warrant approval or continued approval.

Information supplied to the Commission by the Pool has been combined with that information contained in the initial decision of the presiding examiner in Docket 65-19, Transshipment Agreement between S. Thailand and U.S., 10 FMC 199 (1966). This combined information strongly indicates that the quantity of cargo encompassed by the Pool, both substantively and relative to the entire rubber trade from Southeast Asia to U.S. Atlantic and gulf ports,[1] has declined to the point where continued approval of Agreement 8061, as amended, no longer serves any useful purpose and should be disapproved. However, the Pool is entitled to come forward with whatever evidence it deems appropriate which would serve to justify continued approval.

Assuming that a continuing need for the Pool is shown, questions arise as to whether Agreement 8061 should be modified in the following minimal respects: (1) A definition of what constitutes "local Bangkok cargo" which is excluded from the Pool; (2) a provision requiring the filing of periodic reports with the Commission informing us of (a) the result of the operations of the lines under the Pool, and (b) the activities of the "Supervisory Committee", the Penang and Bangkok subcommittees, and the Haadyai office; (3) a definition of what constitutes a "sailing" in the trade. We think it necessary that the "short-sailings" provisions of Article 6 be reexamined to determine whether it comports with the criteria of approvability set forth in section 15, and, if not, to determine how and to what extent it should be modified. Article 7 is the "shippers' guarantee" clause and appears to contain some rather vague language which may have served to nullify the Pool's commitments to the rubber trade. We want to determine whether this clause has been honored over the years and what, if any, modification may be desirable.

Agreements 8061-12 and 8061-13 provide for the reapportionment of Pool shares arising out of the resignation of one line, and the admittance of another, to the Pool. Assuming a showing of continued need for the basic agreement, the Commission desires to determine the standards which were applied in allocating the individual shares, not only here for the present shares but also for the past, and to determine whether the result, as set forth in the subject modifications, is compatible with the criteria of approvability contained in section 15 and whether modifications of the basic Agreements 8061-12 and 8061-13 should be approved, disapproved, or modified.

Now therefore, it is ordered, That an investigation and hearing is hereby instituted pursuant to sections 15 and 22 of the Shipping Act to determine those matters discussed above; and

It is further ordered, That the lines listed in Appendix A hereto, are hereby made respondents in this proceeding; and

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, promptly, with copy to parties.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

APPENDIX A

American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.
Barber-Fern Line-Fernley and Eger-Joint Service, Barber Steamship Lines, Inc., Agents, 17 Battery Place, New York, N.Y. 10004.
Barber-Fern Line-Fernley and Eger-Joint Service, Thoreson & Co. (Bangkok) Ltd., Bangkok, Thailand.
Hoegh Line, Nedlloyd Lines, Inc., General Agents, 25 Broadway, New York, N.Y. 10004.
Hoegh Lines, Diethelm & Co., Ltd., Bangkok, Thailand.
Isthmian Lines, Inc., States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y. 10004.
Kawasaki Kisen Kaisha, Ltd., "K" Line New York, Inc., General Agents, 29 Broadway, New York, N.Y. 10004.
Kawasaki Kisen Kaisha, Ltd., "K" Line Bangkok Branch, Bangkok, Thailand.
Lykes Bros. Steamship Co., Inc., 17 Battery Place, New York, N.Y. 10004.
A. P. Moller-Maersk Line, 67 Broad Street, New York, N.Y. 10004.
A. P. Moller-Maersk Line, Maersk Line (Bangkok Branch), Bangkok, Thailand.
Mitsui O.S.K. Lines, Ltd., 17 Battery Place, New York, N.Y. 10004.
Mitsui O.S.K. Lines, Ltd., Thai Nava Co., Ltd., Bangkok, Thailand.

[1] The stabilizing influence of the Pool on the rest of the Southeast Asia rubber trade was offered as a justification for approval in 1955.

APPENDIX A—Continued

N. V. Nedlloyd Linen, Nedlloyd Lines, Inc., General Agents, 25 Broadway, New York, N.Y. 10004.

N. V. Nedlloyd Linen, Diethelm & Co., Ltd., Bangkok, Thailand.

Thai Mercantile Marine Ltd., States Marine-Isthmian Agency, Inc., General Agents, 90 Broad Street, New York, N.Y. 10004.

Thai Mercantile Marine Ltd., Bangkok, Thailand.

[F.R. Doc. 69-5974; Filed, May 19, 1969; 8:50 a.m.]

SAN FRANCISCO PORT COMMISSION AND PACIFIC FAR EAST LINE, INC.

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:

Miss Miriam E. Wolff, Chief Counsel, Port of San Francisco, Ferry Building, San Francisco, Calif. 94111

Agreement No. T-2297 between the San Francisco Port Commission (Port) and Pacific Far East Line, Inc. (PFEL) provides for the 50-year lease of certain premises (subject to an option to cancel after 30 years) which PFEL will use as a marine terminal for the docking and servicing of vessels, particularly LASH vessels and containerized vessels, and the transfer, etc., of cargo and passengers in connection therewith. Rental for the first 30 years will be computed upon 7 percent of the value of land and water area within the leased premises, 6.7 percent of Port costs for improvements plus a fixed sum, estimated to be $374,000, for annual maintenance, overhead and insurance costs. If the agreement is not canceled at the end of the 30th year, rental for the balance of the term will be negotiated. PFEL must charge an amount equal to Port's applicable tariff to vessels and cargo using the leased premises. Except as specifically provided for in the agreement, PFEL may retain such charges. If on or after rent commences under the lease, any steamship company competing with PFEL in the trans-Pacific trade using a terminal facility in the San Francisco Bay area, assesses no wharfage charge on cargo handled at said facility or assesses a lesser wharfage charge than that which PFEL is required to assess hereunder, then PFEL shall not be required to assess or collect a wharfage charge greater than that assessed or collected by any such other steamship company. Port agrees that in setting tariff charges it will not at any time, or in any way, discriminate against the leased premises, and it will at all times endeavor to keep rates and charges to be assessed at the leased premises competitive with other ports and terminals in the Bay Area and, so far as possible, competitive with other parts and terminals on the Pacific Coast.

Dated: May 15, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5977; Filed, May 19, 1969; 8:51 a.m.]

SPAIN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street N.W., 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. Elliott B. Nixon, Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y.

Agreement No. 9615-3, between the member lines of the Spain/U.S. North Atlantic Westbound Freight Conference, amends the basic agreement (1) to delete from the Preamble the parenthetical phrase which specifically excludes Spanish olives from Conference carriage; (2) to delete the references made in Articles 4.1 and 16.3 to "Article XIII" and to substitute "Article 12.5(c)" in lieu thereof; (3) to make nonsubstantive changes in Articles 6.1 and 6.2; (4) to amend Article 11.1(A) to provide a new method for the selection of a Conference Chairman and Vice Secretary; (5) to add a new Article 11.5 dealing with the establishment of an "Olive Section" of the Conference; (6) to delete the present language of Articles 12 and 13 and to substitute in lieu thereof new language which provides for meetings and Conference action with respect to the transaction of Conference business and for separate meetings of those carriers which transport Spanish olives to be convened by the Secretary, Vice Secretary or Chairman thereof, and for changes in the voting requirements, and (7) to add a new Article 14.2 to provide for the retention by the Conference Secretary of a record of the votes taken by the Conference members, and for the renumbering of present Article 14.2 as Article 14.3.

Dated: May 15, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5978; Filed, May 19, 1969; 8:51 a.m.]

SPAIN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE AND SPANISH/UNITED STATES NORTH ATLANTIC PORTS OLIVE 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. Elliott B. Nixon, Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 9796 between the member lines of the Spain/U.S. North Atlantic Westbound Freight Conference (Agreement No. 9615, as amended) and the Spanish/United States North Atlantic Ports Olive Conference (Agreement No. 8160, as amended) provides that upon dissolution of the Olive Conference, its members which are not presently parties to Agreement No. 9615 will

be admitted to membership therein without obligation to pay an initiation fee. They will participate in Conference expenses and post the financial guarantee required. The effective date of this Agreement is conditioned upon (1) Section 15 approval of Agreement No. 9615–3; (2) Amendment of the Spanish Conference Tariff to name rates on olives and participation by the new members in the rates on commodities other than olives, and (3) notification of all contract signatories of the Olive Conference of the cancellation of their contracts.

Dated: May 15, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–5979; Filed, May 19, 1969; 8:51 a.m.]

SPANISH/UNITED STATES NORTH ATLANTIC PORTS OLIVE 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. Elliott B. Nixon, Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8160–2 between the member lines of the Spanish/United States North Atlantic Ports Olive Conference declares the Conference disbanded. The effective date of its dissolution and of the Conference's dual rate contract system is conditioned upon Commission approval thereof and of Agreement No. 9796 which provides for the consolidation of this Conference with the Spain/U.S. North Atlantic Westbound Freight Conference (Agreement No. 9615, as amended).

Dated: May 15, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–5980; Filed, May 19, 1969; 8:51 a.m.]

[Docket No. 69–25]

TRANSAMERICAN TRAILER TRANSPORT, INC.

Temporary Strike Surcharge in U.S. North Atlantic/Puerto Rico Trade; Order of Investigation and Suspension

There has been filed with the Federal Maritime Commission by Transamerican Trailer Transport, Inc. a temporary "Strike Surcharge" (Original, 1st, and 2d Revised Pages 10–A to Freight Tariff FMC–F No. 1) which will generally increase rates in the subject trade by 10 percent during the period from May 17, 1969, to April 10, 1970.

The stated purpose of the temporary surcharge is to recover past losses, allegedly incurred during the strike of the International Longshoremen's Association from December 21, 1968, through February 14, 1969.

Upon consideration of said schedule and a protest thereto, filed by the Commonwealth of Puerto Rico, and a reply filed by the carrier, there is reason to believe that the above tariff filing may be unlawful and should be made the subject of a public investigation and hearing to determine its lawfulness under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933 an investigation is hereby instituted to determine (1) whether a temporary strike surcharge designed to recover past losses incurred during the period of a strike, which has terminated, is an unjust, unreasonable, or otherwise unlawful practice under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and (2) if such a surcharge is not improper as a matter of law, whether the instant surcharge is unjust, unreasonable, or otherwise unlawful under said sections with a view to making such findings and orders in the premises as the facts and circumstances warrant.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Original, 1st and 2d Revised Pages 10–A to Tariff FMC–F No. 1 are suspended and the use thereof be deferred to and including September 16, 1969, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Transamerican Trailer Transport, Inc., a consecutively numbered supplement to the aforesaid Tariff FMC–F No. 1 which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 17, 1969, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with Tariff FMC–F No. 1 in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That Transamerican Trailer Transport, Inc., be named as respondent in this proceeding;

It is further ordered, That pursuant to section 21 of the Shipping Act, 1916 and in accordance with the commitment of respondent to furnish information to the Commission indicating the effect of the surcharge, if this proceeding has not been disposed of during the period of suspension, the respondent shall keep account of all monies recovered under the strike surcharge and submit, commencing on or before October 7, 1969, and continuing for each successive monthly period until and unless otherwise ordered by the Commission, a sworn statement showing the total revenue earned on all voyage terminations after September 17, 1969, to the end of the period commencing that date and ending with the close of the next preceding month and the related revenue earned as a result of the surcharge;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent and protestant herein; (II) the said respondent and protestant be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon respondent.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69–5981; Filed, May 19, 1969; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69–287]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

MAY 13, 1969.

Take notice that on May 5, 1969, Arkansas, Louisiana Gas Co. (Appli-

cant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP69-287 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 for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a tap and delivery facilities at a point on its 4-inch Line EM-1 in section 6, T. 14 S., R. 20 W., Nevada County, Ark., to effect the direct sale and delivery of natural gas for industrial consumption to Mobil Oil Corp. under an industrial sales contract.

The estimated third year peak day and annual deliveries through the proposed facilities are 950 Mcf and 275,000 Mcf, respectively.

The total estimated cost of the proposed facilities is $2,649, which will be financed from cash on hand.

Any person 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, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5902; Filed, May 19, 1969; 8:45 a.m.]

[Docket No. CP69-288]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

MAY 13, 1969.

Take notice that on May 5, 1969, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP69-288 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate a tap and delivery facilities on its 4-inch Line EM-1 in sec. 1, T. 14 S., R. 21 W., in Nevada County, Ark., which will be utilized to effect the direct sale and delivery of natural gas for industrial consumption to Mobil Oil Corp. under an industrial sales contract.

The estimated annual and peak day requirements of the aforementioned sale are in the third year 250,000 Mcf and 850 Mcf, respectively.

The estimated total cost of the proposed facilities are $2,450, which will be financed from cash on hand.

Any person 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, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5903; Filed, May 19, 1969; 8:45 a.m.]

[Docket No. CP69-121]

COLUMBIA GULF TRANSMISSION CO.

Notice of Amendment to Application

MAY 14, 1969.

Take notice that on May 7, 1969, Columbia Gulf Transmission Co. (Applicant), 3805 West Alabama Avenue, Houston, Tex. 77027, filed in Docket No. CP69-121 an amendment to the original application filed in the instant docket on October 25, 1968, requesting an alteration in the facilities originally proposed in this docket to be constructed and operated by Applicant, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

In its original application filed in this proceeding, Applicant requested authorization to construct facilities necessary to connect natural gas reserves in the Vermilion Block 162 Field, Offshore Louisiana, to the Western Shore Line of the Blue Water Project of Columbia Offshore Pipeline Co., application for which authorization was made in Docket No. CP68-231. Applicant states that it has now made arrangements with Sea Robin Pipeline Co. (Sea Robin) for Sea Robin to transport said natural gas reserves to onshore points in Louisiana.

Specifically, Applicant seeks authorization by the amendment to the application to construct and operate approximately 5.5 miles of 12.75-inch O.D. pipe extending from the Vermilion Block 162 Field to Sea Robin's offshore pipeline in Vermilion Block 180 Field, together with a measuring station and appurtenant facilities. In the amendment Applicant deletes its request for authorization to construct the onshore facilities originally proposed to connect the Western Shore Line with reserves from the Humble Pecan Island Field and to accept deliveries from the Western Shore Line at Egan, La., the necessity for the facilities being obviated by the authorization of the construction of Phase I in Docket No. CP68-231 and the new arrangement with Sea Robin to transport the Vermilion Block 162 Field reserves.

The total estimated cost of the facilities proposed in the amendment is $1,073,199.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a

petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5904; Filed, May 19, 1969; 8:45 a.m.]

[Project No. 2553]

CONSUMERS POWER CO.

Notice of Application for Withdrawal of Application for License for Constructed Project

MAY 13, 1969.

Public notice is hereby given that application for withdrawal of application for license has been filed under the rules of practice and procedure of the FEDERAL POWER COMMISSION by Consumers Power Co. (correspondence to: P. A. Perry, Secretary, Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201) for constructed Project No. 2553, known as the Sabin Project, located on the Boardman River in Grand Traverse County, Mich., in the vicinity of Traverse City.

According to the application, Applicant proposes to convey the project dam and land to the county of Grand Traverse, Mich., for public park and recreational uses. Applicant proposes to remove and salvage certain of the project generating equipment and make changes in the project dam to facilitate its operation by the County.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 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. 69-5905; Filed, May 19, 1969; 8:45 a.m.]

[Project No. 2549]

CONSUMERS POWER CO.

Notice of Application for Withdrawal of Application for License for Constructed Project

MAY 14, 1969.

Public notice is hereby given that application for withdrawal of application for license has been filed under the rules of practice and procedure of the Federal Power Commission by Consumers Power Co. (correspondence to: P. A. Perry, Secretary, Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201) for constructed Project No. 2549, known as the Boardman Project, located on the Boardman River in the townships of Blair and Garfield, in Grand Traverse County, Mich.

According to the application, Applicant proposes to convey the project dam and land to the county of Grand Traverse, Mich., for public park and recreational uses. Applicant plans to remove and salvage certain of the project generating equipment and make changes in the project dam to facilitate its operation by the county.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 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. 69-5906; Filed, May 19, 1969; 8:45 a.m.]

[Docket No. CP65-61]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

MAY 14, 1969.

Take notice that on May 8, 1969, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP65-61 a petition to amend the order issued in said docket on December 15, 1964, by authorizing the sale and delivery of natural gas through existing facilities to California-Pacific Utilities Co. (Cal-Pac), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order, Petitioner was authorized to sell natural gas to Cal-Pac for resale on an interruptible basis to Winema Lumber Co. (Winema), near Beaver Marsh, Oreg. To implement such service, deliveries were authorized to be made by use of gas transported by Pacific Gas Transmission Co. (PGT) and delivered to Cal-Pac for the account of Petitioner. This service was subsequently discontinued.

Petitioner states that it has recently received a request from Cal-Pac to supply gas for resale to Boise Cascade Corp. (Boise) which will be used to satisfy the firm requirements of Boise at the reactivated lumber mill facilities formerly operated by Winema. Petitioner proposes to make the sale to Cal-Pac at the outlet of the existing measuring and regulating station located near Beaver Marsh, Oreg., formerly utilized to serve Cal-Pac for resale service to Winema.

Petitioner proposes to render its service pursuant to its Rate Schedule DI-2 contained in its FPC Gas Tariff, Original Volume No. 3.

The estimated third year peak day and annual requirements of the proposed service are 2,000 therms and 680,000 therms, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5907; Filed, May 19, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter New York Corp., which is a bank holding company located in New York, N.Y., for the prior approval of the Board of the acquisition by Applicant of 100 percent (less directors' qualifying shares) of the voting shares of The Fulton County National Bank and Trust Co., Gloversville, N.Y., a proposed new bank into which will be merged The Fulton County National Bank and Trust Company of Gloversville, Gloversville, N.Y.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

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

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5909; Filed, May 19, 1969; 8:45 a.m.]

FIRST NATIONAL CHARTER CORP.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by First National Charter Corp., Kansas City, Mo., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of The First National Bank of Kansas City, Kansas City, Mo., and 51 percent or more of the voting shares of Leawood National Bank of Kansas City, Kansas, City, Mo.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

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

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5910; Filed, May 19, 1969; 8:45 a.m.]

SHAWMUT ASSOCIATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Shawmut Association, Inc., which is a bank holding company located in Boston, Mass., for the prior approval of the Board of the acquisition by Applicant of up to 100 percent of the voting shares of First Bank and Trust Company of Hampden County, Springfield, Mass.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

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

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5911; Filed, May 19, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry and Withdrawal From Warehouse for Consumption

MAY 15, 1969.

On February 28, 1969, the U.S. Government requested the Government of Malaysia to enter into consultations concerning exports to the United States of cotton textile products in Categories 49 and 55, produced or manufactured in Malaysia. In that request the U.S. Government indicated specific levels at which it considered that exports in these categories from Malaysia should be restrained for the 12-month period beginning February 28, 1969, and extending

through February 27, 1970. Since no solution has been mutually agreed upon the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3, and Article 6(c) which relates to nonparticipants, is establishing restraints at the levels indicated in that request for the 12-month period beginning February 28, 1969, and extending through February 27, 1970. These restraints do not apply to cotton textile products in Categories 49 and 55, produced or manufactured in Malaysia and exported to the United States prior to the beginning of the designated 12-month period.

There is published below a letter of May 15, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Categories 49 and 55, produced or manufactured in Malaysia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning February 28, 1969, be limited to the designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

MAY 15, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning February 28, 1969, and extending through February 27, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Categories 49 and 55, produced or manufactured in Malaysia, in excess of the following levels of restraint:

Category		12-Month Level of Restraint[1]
49	dozen	1,700
55	do	16,500

In carrying out this directive, entries of cotton textile products in Categories 49 and 55, produced or manufactured in Malaysia and which have been exported to the United States from Malaysia prior to February 28, 1969, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Categories 49 and 55, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROCCO C. SICILIANO,
Acting Secretary of Commerce, Chairman, President's Cabinet, Textile Advisory Committee.

[F.R. Doc. 69-5984; Filed, May 19, 1969; 8:51 a.m.]

[1] These levels have not been adjusted to reflect any entries made on or after Feb. 28, 1969.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

MAY 14, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 15, 1969, through May 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5924; Filed, May 19, 1969; 8:47 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

MAY 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 15, 1969, through May 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5925; Filed, May 19, 1969; 8:47 a.m.]

[811-1079]

SOUTHWESTERN RESEARCH AND GENERAL INVESTMENT CO.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 13, 1969.

Notice is hereby given that Southwestern Research and General Investment Co. ("Applicant") 10204 North 19th Avenue, Phoenix, Ariz. 85021, an Arizona corporation registered as a closed-end, nondiversified investment company under the Investment Company Act of 1940 ("Act"), 15 U.S.C. section 80a-1 et seq., has filed an application pursuant to section 8(f) of the Act for an order declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Section 8(f) of the Act provides in pertinent part that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which, if necessary for the protection of investors, may be made upon appropriate conditions, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Section 3(a)(1) of the Act defines as an investment company, an issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting or trading in securities.

Section 3(a)(3) of the Act further defines as an investment company, an issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to

acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. The term "investment securities" includes all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

Applicant commenced operations in December 1961, and since its initial public offering on December 8, 1961, has operated as an investment company. At a stockholders' meeting on August 14, 1967, the stockholders of Applicant approved a change in Applicant's fundamental investment policies and authorized the taking of the necessary steps to come out from under the provisions of the Act, subject to further shareholder approval of the filing of an application pursuant to section 8(f) of the Act. Subsequent to the shareholders' meeting of August 14, 1967, Applicant proceeded to change its operations from that of a registered investment company to an operating company, and on March 18, 1969, at a special meeting of shareholders, the shareholders of Applicant authorized the filing of this Application. Applicant has 625,320 shares of common stock outstanding. Of those present at the March 18, 1969 meeting, 441,207 were cast for, and 727 were cast against the proposal.

Applicant represents that as of April 21, 1969, the fair value of its assets as determined by its board of directors is as follows:

	Percent of assets invested	Fair value expressed in dollars
	Percent	
Cash and receivables	1.1	$128,455
Investment securities	15.1	1,675,321
Real estate	67.3	7,452,335
Electronics manufacturing	10.0	1,121,370
Hydro-massage pool apparatus	1.6	178,150
Miscellaneous	4.9	526,406
	100.0	11,082,037

Not included in the above computation of its investment securities is a certificate of contingent interest issued by City Investing Co. which represents an interest in shares of City Investing Co. that may be issued after April 30, 1972, dependent upon the accumulated earnings of American Electric, Inc., a wholly owned subsidiary of City Investing Co. Applicant states that it did not fix a value on the certificate because it is too speculative and Applicant has received no information as to the earnings of American Electric for the first year of the 5-year period.

Applicant represents that its present status is that of a diversified business concentrating its efforts primarily in (1) developing real estate (2) through a wholly owned subsidiary, Dynamics Systems Electronics ("DSE"), manufacturing electronic equipment and systems, and to a much lesser extent (3) through a wholly owned subsidiary, Whirl Jet, constructing and selling hydro-massage pool apparatus. To expand the above activities Applicant has negotiated the acquisition of two companies, Midwec and Golden Valley Land Co., however both acquisitions are conditioned upon the prior deregistration of Applicant under the Act. The Golden Valley acquisition has a scheduled closing date of May 31, 1969.

Applicant represents that in recent months it has increased its administrative staff with the view of building and assisting its operations in real estate and in the electronics division. The increase in administrative staff included the appointment of five vice presidents, each with a designated area of responsibility: a vice president in charge of real estate, a financial vice president, a vice president in charge of public relations, a vice president in charge of manufacturing, and a vice president in charge of marketing. Applicant has also hired a controller and increased its accounting staff with a view to organizing the handling of financial information from the operating subsidiaries and divisions.

Applicant does not intend to make any further investments in "investment securities" as that term is defined in the Act.

Applicant represents that its sources of income for the 5 years and 3 months ended March 31, 1969 were as follows:

		Years Ended Dec. 31				
	1-1-69 to 3-31-69	1968	1967	1966	1965	1964
	(unaudited)	(unaudited)	(audited)	(audited)	(audited)	(audited)
INCOME:						
Interest:						
Time certificates of deposit	$4,358	$111,576	$126,749	$153,305	$97,366	$61,236
Investment Securities	15,023	89,364	102,362	116,548	166,617	236,510
	19,381	200,940	229,111	269,853	263,983	297,746
Rentals	30,060	114,361	172,438	103,944		
Oil Leases		34,515	64,620	22,576		
Miscellaneous	34,041	17,532	1,161	2,944	59	461
Total income	84,482	367,308	467,330	399,317	264,042	298,207
Net realized gains on investment, less related income taxes		324,022	376,033	32,956		10,234

At the present time the management of Applicant divides its time approximately on the following basis: 40 percent on real estate operations, 40 percent on the manufacturing facilities of DSE, and 20 percent on supervising Applicant's investment securities. Most of the time devoted to supervising investment securities is spent on Hobo Joe's Inc., which is 27½-owned by Applicant and is Applicant's principal investment. Applicant is the second-largest shareholder of Hobo Joe's; however, Applicant believes it is in a position to control Hobo Joe's.

Notice is further given that any interested person may, not later than May 28, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-5927; Filed, May 19, 1969; 8:47 a.m.]

[812-2500]

TALLEY INDUSTRIES, INC.

Notice of and Order for Hearing on Application for Order Exempting Transactions Between Affiliates

MAY 14, 1969.

Notice is hereby given that Talley Industries ("Talley") 3500 North Greenfield Road, Mesa, Ariz., an affiliated person of American Investors Fund, Inc. ("American Investors"), registered as an open-end diversified investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act certain transactions incident to the proposed merger of Talley and General Time Corp. ("General Time"), also an affiliated person of American Investors. All interested persons are referred to

the application, which is on file with the Commission, for a statement of the representations therein, which are summarized below.

At December 31, 1968, American Investors owned 210,000 shares (9.1 percent) of the common stock of General Time outstanding and 238,051 shares (7.2 percent) of the common stock of Talley outstanding. Talley and General Time, therefore, are each an affiliated person of American Investors within the meaning of section 2(a)(3) of the Act. Talley is also an affiliated person of General Time by virtue of its ownership of 257,937 shares of the common stock of General Time outstanding.

Talley, a Delaware corporation, is engaged, directly and through subsidiaries, in the manufacture and sale of products for the aerospace industry and plumbing, heating, electrical and hardware products, cable, wire and copper rods, wearing apparel, and custom-molded plastic parts and metal products. On February 25, 1969, Talley had issued and outstanding 3,352,325 shares of common stock which are listed on the New York Stock Exchange, and 207,330 shares of Series A Convertible Preferred Stock ("Talley A Preferred Stock") convertible into Talley common stock at the rate of 0.72 of a share of common for each share of Talley A Preferred Stock.

General Time, a Delaware corporation, is engaged primarily in the manufacture and sale of clocks and watches for consumer use, ordnances, and other items relating to national defense, and clocks, timers, and control devices for industrial use. On February 15, 1969, it had outstanding 2,328,921 shares of common stock, which are listed on the New York Stock Exchange and 5,395 shares of Series A Convertible Preferred Stock ("General Time Preferred Stock") convertible into General Time common stock at the rate of four shares of common stock for each share of General Time Preferred Stock.

In general, the proposed merger provides for the following:

1. Talley and General Time will merge and Talley will be the surviving company. Upon the effectiveness of the merger, Talley will possess the assets of the constituent companies and their debts and liabilities shall attach to Talley.

2. The authorized number of shares of Talley common stock will be increased from 5 million shares to 10 million shares; and the authorized number of shares of Talley preferred stock will be increased from 1 million shares to 3,500,000.

3. Talley proposes to issue additional common stock and a new Series B $1 Cumulative Convertible Preferred Stock ("Talley B Preferred Stock"). Each share of Talley B Preferred Stock will be entitled, in preference to the common stock of Talley, to receive cumulative annual dividends payable quarterly at the rate of $1 a year; and will be entitled to 9/10 of a vote per share with respect to the election of directors and on all other matters voted on by stockholders of Talley (except where otherwise provided by law).

Each share of Talley B Preferred Stock will be convertible at the option of the holder into 9/10 of a share of Talley common stock at any time after the effectiveness of the merger.

Commencing 5 years after the effectiveness of the merger, the Talley B Preferred Stock will be redeemable at any time, in whole or in part, at the option of Talley at the redemption price of $52.50 a share. Each share of Talley B Preferred Stock will be entitled to a liquidating preference of $20 in the event of involuntary liquidation and $52.50 in the event of the voluntary liquidation of Talley.

4. In the merger each share of capital stock of Talley outstanding will continue to be outstanding.

5. Upon effectiveness of the merger each share of General Time common stock outstanding (other than shares thereof held by Talley) will be converted into one share of Talley B Preferred Stock unless the holder thereof elects to receive, in lieu thereof, one share of Talley common stock. Each share of General Time Preferred Stock (other than shares held by dissenting stockholders) will be converted into four shares of Talley B Preferred Stock unless the holder thereof elects to receive, in lieu thereof, four shares of Talley common stock.

6. Upon the effectiveness of the merger, the 257,937 shares of General Time stock owned by Talley will be converted into shares of Talley stock at the ratio described above, and will become treasury stock; and all shares of General Time stock held in General Time's treasury will be canceled.

7. In the event that a stock dividend is paid on Talley common stock before the effectiveness of the merger, the number of shares of Talley common stock into which each share of General Time common stock is to be changed on the effectiveness of the merger as well as the number of shares of Talley common stock into which each share of Talley B Preferred Stock received in the merger is convertible thereafter, will be proportionately increased.

8. No fractional shares of Talley common stock will be issued. The merger agreement contains provisions for payment by Talley of cash in lieu of fractional shares.

9. The merger agreement has been approved by the boards of directors of both Talley and General Time, in the case of General Time acting without the vote of any of the three directors who are also directors of Talley. General Time has 10 directors, all of whom were supported for election by Talley in a proxy contest that resulted in these directors taking office on January 13, 1969.

10. The affirmative vote of two-thirds of the total number of outstanding shares of common stock and A Preferred Stock of Talley and the affirmative vote of two-thirds of the total number of outstanding shares of common stock and Preferred Stock of General Time are required for adoption of the merger.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application:

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provision of the Act and rules of the Commission thereunder be held on the 4th day of June 1969 at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW. Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding or proposing to intervene therein shall file with the Secretary of the Commission his application as provided by Rule 9 of the Commission's rules of practice, on or before the date provided in said rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application. A copy of such application shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Talley at the address noted above, and proof of service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof, the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination.

(1) Whether the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transaction is consistent with the policy of the registered investment company as recited in its registration statement and reports filed under the Act; and

(3) Whether the proposed transaction is consistent with the general purposes of the Act.

It is further ordered, That at the aforesaid hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That Talley shall cause a copy of this notice to be mailed to each of the stockholders of Talley and General Time at each stockholder's last known address at least 14 days prior to the date set for said hearing.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by certified

mail to Talley, General Time, and American Investors and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for release.

By the Commission.

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

[F.R. Doc. 69-5928; Filed, May 19, 1969; 8:47 a.m.]

TELSTAR, INC.

Order Suspending Trading

MAY 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 15, 1969, through May 24, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-5929; Filed, May 19, 1969; 8:47 a.m.]

[812-2523]

WISCONSIN SECURITIES COMPANY OF DELAWARE ET AL.

Notice of Filing of Application for Order for Exemption

MAY 13, 1969.

In the matter of Wisconsin Securities Company of Delaware, 312 East Wisconsin Avenue, Milwaukee, Wis. 53202; Beloit Corp., Beloit, Wis.; The Black-Clawson Co., 200 Park Avenue, New York; Clement Construction Co., 312 East Wisconsin Avenue, Milwaukee, Wis. 53202.

Notice is hereby given that Wisconsin Securities Company of Delaware ("Wisconsin Securities"), a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end nondiversified management investment company; Beloit Corp. ("Beloit"), having its principal place of business in Beloit, Wis.; The Black-Clawson Co. ("Black-Clawson"), having its principal place of business in New York, N.Y.; and Clement Construction Co. ("Clement"), having its principal place of business in Milwaukee, Wis. (herein collectively referred to as "Applicants"), have filed an application pursuant to section 6(c) of the Act for exemption from the provisions of section 17(d) of the Act and Rule 17d-1 thereunder to permit the continued holding by Wisconsin Securities of 100 shares of common stock of Sandusky Foundry and Machine Co. ("Sandusky") and 75,000 shares of common stock of NN Corp. ("NN"), as discussed below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

THE PARTIES

Wisconsin Securities owns 2,950 shares, or one-third of the outstanding common stock of Sandusky while Beloit and Black-Clawson each also own 2,950 shares or one-third of such stock. Clement owns approximately 23.5 percent of the outstanding shares of Wisconsin Securities. Section 2(a)(3) of the Act includes within the definition of "affiliated person" of another person, any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person and any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person. Thus, Beloit and Black-Clawson are affiliated persons of an affiliated person (Sandusky) of Wisconsin Securities, a registered investment company, and Clement is an affiliated person of Wisconsin Securities, a registered investment company.

SANDUSKY SECURITIES

Sandusky, an Ohio corporation with its principal place of business in Sandusky, Ohio, manufactures and sells cast iron cylindrical shells. On May 9, 1967, its board of directors resolved to purchase for cash any or all of its shares then registered in the name of Peter L. Holm, trustee ("Trustee"), when offered from time to time to Sandusky by Trustee or his successor at a price of 80.21 percent of book value at the close of the month immediately preceding the date or dates of purchase. Applicants represent that the price was arrived at by arm's length bargaining between Sandusky and Trustee. At that time Trustee owned 400 shares or 4.3 percent of the 9,240 shares of common stock of Sandusky outstanding, Black-Clawson owned 3,000 shares or 32.5 percent, Beloit owned 3,000 shares or 32.5 percent and Wisconsin Securities owned 2,840 shares or 30.7 percent. Sometime after May 9, 1967, Wisconsin Securities indicated to Trustee its desire to purchase 160 of the shares of Sandusky at the same price Sandusky was willing to pay so that it would then own one-third of Sandusky. Wisconsin Securities states that the desire to purchase these shares was motivated by the opinion of its directors that its investment in Sandusky would have substantially greater value in case of a future sale if a buyer for the block could obtain equal ownership with the other two stockholders. On March 20, 1968, Wisconsin Securities purchased a total of 110 shares of Sandusky; 50 shares from each of Black-Clawson and Beloit and 10 Shares from Trustee who sold his remaining 390 shares to Sandusky. The purchase price per share was 80.21 percent of book value as of February 29, 1968, or $701.16 per share. No brokerage or other fees or costs were involved in the transactions. The sale by Beloit and Black-Clawson to Wisconsin Securities was a sale to a registered investment company by an affiliated person of such registered company within the meaning of section 17(a).

NN SECURITIES

Northwestern National Insurance Co. ("Northwestern"), an insurance company chartered by a special act of the Wisconsin legislature, is engaged directly or through substantially wholly owned subsidiaries in virtually all lines of fire and casualty insurance in all States of the United States, the District of Columbia and the Commonwealth of Puerto Rico, and in the life insurance business in a number of States, principally in the Midwest.

Clement, a Delaware corporation, has a total of 6,608 shares of common stock, no par value, issued and outstanding, all of which is held by two trusts. All of its assets consist of investments. Three of the four members of its board of directors are also directors of Wisconsin Securities, and, as stated above, Clement owns 15,000, or approximately 23.5 percent of the 63,573 shares of Wisconsin Securities outstanding.

From February 21, 1966, through September 11, 1967, Wisconsin Securities purchased a total of 50,100 shares of common stock of Northwestern and sold 100 shares at the prevailing prices in the over-the-counter market, leaving it with 50,000 shares or 5.63 percent of the outstanding shares of Northwestern. From December 4, 1967, through April 30, 1968, Clement purchased a total of 10,000 shares of Northwestern common stock at the prevailing prices in the over-the-counter market.

On February 15, 1968, NN was organized under the laws of Delaware as a result of a decision of the board of directors of Northwestern to reorganize Northwestern's corporate structure into a holding company organization. In July, 1968, NN offered to exchange one share of its common stock for each share of Northwestern stock outstanding, and in this connection, NN applied for and was granted an order of exemption from section 17(a) of the Act to make the exchange offer to Wisconsin Securities with which it was affiliated within the meaning of section 2(a)(3) of the Act. Pursuant to this exchange offer Wisconsin Securities exchanged its 50,000 shares of Northwestern for 50,000 shares of NN common stock, and Clement exchanged its 10,000 shares of Northwestern for 10,000 shares of NN. On July 12, 1968, Clement sold 5,000 shares of NN at a gain of $91,689.69. In August 1968, Wisconsin Securities received an additional 25,000 shares of NN common stock; and Clement, an additional 2,500 shares pursuant to a 3 for 2 stock split. At the present time, Wisconsin Securities holds 75,000 shares and Clement holds 7,500 shares

of common stock of NN. Applicants represent that there was no agreement or understanding between Wisconsin Securities and Clement concerning the acquisition of Northwestern stock and that both made the purchases in light of their own investment objectives.

Section 17(d) of the Act and Rule 17d–1 thereunder provide, inter alia, that it shall be unlawful for an affiliated person of a registered investment company or an affiliated person of such a person, acting as principal, to participate in or to effect any transaction in which such registered company or a company controlled by such registered company is a joint or joint and several participant unless, prior thereto, an application regarding such transaction has been filed with and granted by the Commission. In passing upon such an application, the Commission must consider whether the participation of such registered or controlled company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary to appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The holding of Sandusky shares by Beloit and Black-Clawson concurrently with the holding by Wisconsin Securities of Sandusky shares may be considered a transaction in which Wisconsin Securities is a joint or joint and several participant with Beloit and Black-Clawson.

Wisconsin Securities, Beloit, and Black-Clawson state that the continued holding by Wisconsin Securities of Sandusky common stock meets the requirements of section 17(d) and Rule 17d–1 thereunder in that the purchase price paid by Wisconsin Securities was fair and reasonable and did not involve overreaching on the part of any person concerned and the purchases were initiated by Wisconsin Securities and not by Beloit or Black-Clawson; the continuing ownership of the 100 shares purchased from Beloit and Black-Clawson as well as the shares previously acquired by Wisconsin Securities and the maintenance of Wisconsin Securities' status as a one-third stockholder does not involve any overreaching on the part of any of the three stockholders as the ownership of Wisconsin Securities in Sandusky is on the same terms as the ownership of Beloit and Black-Clawson and is not less advantageous; and the continued ownership and one-third control of Sandusky by Wisconsin Securities is consistent with its investment policies and with the provisions, policies, and purposes of the Act.

Wisconsin Securities and Clement state that the continued holding by Wisconsin Securities of NN common stock meets the requirements of section 17(d) and Rule 17d–1 thereunder in that the purchases were made in the over-the-counter market at current fair market values and did not involve overreaching on the part of any person concerned; the purchases were deemed advisable in the independent judgment of the board of directors of Wisconsin Securities and were not subject of any understanding or agreement of Wisconsin Securities and Clement or any other affiliated person; the continued ownership of NN stock is consistent with the investment policies of Wisconsin Securities and with the provisions, policies, and purposes of the Act and is not on a basis different from or less advantageous than that of Clement; and, in the opinion of Wisconsin Securities, the continued ownership of NN common stock is not detrimental to its stockholders nor will it give rise to any injury to Wisconsin Securities or its stockholders.

Applicants further represent that the exemptions are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 29, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69–5930; Filed, May 19, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 15, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41634—*Lumber articles from points in southwestern and western trunkline territories.* Filed by Southwestern Freight Bureau, agent (No. B-35), for interested rail carriers. Rates on wood, built-up or combined, bent or straight, in carloads, as described in the application, from points in southwestern and western trunkline territories, to points in official territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 69 to Southwestern Freight Bureau, agent, tariff ICC 4590.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41633—*Increased passenger fares—The Atchison, Topeka and Santa Fe Railway Co., et al.* Filed by H. B. Siddall, agent (No. 15), for interested rail carriers. This is in relation to the transportation of passengers, between points within Western Railroad Passenger Association territory and between points in this territory, on the one hand, and points in the United States, on the other.

Grounds for relief—Establishment of increased fares by applicant carriers and maintenance of depressed joint through rates.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–5967; Filed, May 19, 1969; 8:50 a.m.]

[Notice 834]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 15, 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 1838 (Sub-No. 8 TA), filed May 12, 1969. Applicant: ALEX C. SMITH, INC., 13557 Bloomingdale Road, Akron, N.Y. 14001. Applicant's representative: W. J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building products*, from the plant of the National Gypsum Co. near Clarence Center, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and *returned shipments* on return, for 150 days. Supporting shipper: National Gypsum Co., 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 518, Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 9325 (Sub-No. 42 TA), filed May 12, 1969. Applicant: K LINES, INC., Post Office Box 187, Lebanon, Oreg. 97355. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, between points in Oregon, for 180 days. NOTE: Applicant states its proposes to tack with its present authority in its Sub 35. Supporting shippers: Ideal Cement Co., 821 17th Street, Denver, Colo. 80202; Permanente Cement, 1500 Northeast Irving Street, Portland, Oreg. 97232. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 29886 (Sub-No. 249 TA), filed May 12, 1969. Applicant: DALLAS & MAVIS FORWARDING CO., INC, 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag, granulated, ground, pulverized, or lump*, from Bow, N.H., to Bath and Kittery, Maine; Boston, East Boston, and Quincy, Mass.; Groton, Conn.; and Portsmouth, N.H., for 180 days. Supporting shipper: H. B. Reed & Co., Inc., Post Office Box 2218, Hammond, Ind. 46323. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 42487 (Sub-No. 717 TA), filed May 12, 1959. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, liquid, in bulk, in tank vehicles, from Hawthorne, Calif., to West Springfield, Mass., for 150 days. Supporting shipper: Textilana Corp., 12607 Cerise Avenue, Hawthorne, Calif. 90250. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 52458 (Sub-No. 218 TA), filed May 12, 1969. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., Post Office Box 1047, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from terminal of Sulphur Terminals Co., Inc., at or near Wellsville, Ohio, to the plantsite of Globe Refractories, Inc., at or near Newell, W. Va., for 180 days. Supporting shipper: E. H. Ferree, Assistant Traffic Manager, Freeport Sulphur Co., 161 East 42d Street, New York, N.Y. 10017. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 100666 (Sub-No. 140 TA), filed May 12, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Max Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials and gypsum products* (except in bulk), from the plantsite of the Celotex Corp. at or near Fort Dodge, Iowa, to points in Arkansas and Kentucky, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 107799 (Sub-No. 8 TA), filed May 1, 1969. Applicant: J. O. RINGGENBERG, INC., Post Office Box 1236, Dodge City, Kans. 67801. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 67801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, from the terminal located on the ammonia pipeline of Mapco, Inc., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; restricted to the transportation of shipments which originate at the facilities of Mapco, Inc., located at or near Conway, Kans., and destined to points in the named destination States. (2) *Anhydrous ammonia*, from the plantsite of Hill Chemical, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, Oklahoma, and Texas; restricted to the transportation of shipments which originate at the facilities of the Hill Chemicals, Inc., plant located at or near Borger, Tex., and destined to points in the named destination States. (3) *Anhydrous ammonia*, from the terminal located on the ammonia pipeline of Mapco, Inc., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; restricted to the transportation of shipments which originate at the facilities of the Mapco, Inc., located at or near Greenwood, Nebr., and destined to points in the named destination States. (4) *Anhydrous ammonia*, from the terminals located on the ammonia pipeline of Mapco, Inc., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; restricted to the transportation of shipments which originate at the facilities of Mapco, Inc., located at or near Whiting, Early, and Garner, Iowa, and destined to points in the named destination States, for 180 days. Supporting shipper: Cominco American, Inc., 818 West Riverside Avenue, Spokane, Wash. 88201. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 118446 (Sub-No. 3 TA), May 12, 1969. Applicant: PARCEL DELIVERY & TRANSFER, INC., Post Office Box 3-126, Anchorage, Alaska 99504. Applicant's representative: James L. Beattey, 130 East Washington Street, No. 1021, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alaska and Seattle, Wash., for 180 days. NOTE: Applicant states the proposed operations will be via barge or other water transportation. Supporting shippers: National Bank of Alaska, Box 600 Anchorage, Alaska 99501; Betz and Co., Inc., Post Office Box 3417, 1700 Stanford Drive, Anchorage, Alaska 99501, Addressograph Multigraph Corp., 213 Sixth Avenue, Anchorage, Alaska 99501, and Greater Anchorage Area Borough, 104 Northern Lights Boulevard, Anchorage, Alaska. Send protests to: District Supervisor Hugh H. Chaffee, Interstate Commerce Commission, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 119777 (Sub-No. 149 TA), filed May 12, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products including wallboard, laths, sheathings,*

plasters and plasterboard joint systems, from warehouse facility National Gypsum Co., Bowling Green, Ky., to points in Tennessee, and points in Indiana, Illinois, and Ohio, on and south of U.S. Highway 40, and *damaged or rejected shipments*, on return, for 180 days. Supporting shipper: H. C. Halm, Assistant Traffic Manager-Motor, National Gypsum Co., 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 129656 (Sub-No. 3 TA), filed May 12, 1969. Applicant: TRI DELTA BUILDING MATERIALS CO., INC., 2245 East Jackson, Phoenix, Ariz. 85034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum plaster and gypsum wallboard*, from Apex and Blue Diamond, Nev., to points in Los Angeles, Orange, Riverside, and San Bernardino Counties, Calif., and Benson, Coolidge, Casa Grande, Douglas, Eloy, Florence, Globe, Havasu City, Miami, Nogales, Parker, Superior, Tucson, and Yuma, Ariz., for 180 days. Supporting shipper: The Flintkote Co., Blue Diamond Gypsum Division, 1650 South Alameda Street, Los Angeles, Calif. 90054. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 133602 (Sub-No. 1 TA), filed May 12, 1969. Applicant: HUBBARD CARTAGE, INC., 3737 North Lincoln, Chicago, Ill. 60613. Applicant's representative: Milton J. Kolman, 11 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed fertilizers, ammonium nitrate fertilizer, ammonium phosphate fertilizer, urea fertilizer*, from Joliet, Ill., to points in Wisconsin, Indiana, Ohio, and the Lower Peninsula of Michigan, for 150 days. Supporting shipper: Olin Mathieson Chemical Corp., Post Office Box 991, Little Rock, Ark. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133619 (Sub-No. 1 TA), filed May 12, 1969. Applicant: W. F. SMITH, doing business as W. F. SMITH TRUCKING CO., Route No. 1, Box 262, Sheridan, Ark. 72150. Applicant's representative: Art Givens, Jr., Union Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer material and urea*, in bulk or in bags, from Shumaker, Ark., to points in Texas and Oklahoma, for 180 days. Supporting shipper: Arkla Chemical Corp., Arkla Plaza, 400 East Capitol, Little Rock, Ark. 72203. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 133692 (Sub-No. 1 TA), filed May 12, 1969. Applicant: OTTO RONE, Logansport, Ky. 42258. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products including wallboard, laths, sheathings, plasters and plasterboard joint systems*, from Warehouse Facility National Gypsum Co., Bowling Green, Ky., to points in Tennessee, and points in Indiana, Illinois, and Ohio, on and south of U.S. Highway 40, and *damaged or rejected shipments*, on return, for 180 days. Supporting shipper: H. C. Halm, Assistant Traffic Manager-Motor, National Gypsum Co., 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-5968; Filed, May 19, 1969; 8:50 a.m.]

[Notice 346]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 15, 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-70998. By order of May 13, 1969, the Motor Carrier Board approved the transfer to TMX Corp., Fort Wayne, Ind., of the operating rights in certificates Nos. MC-107906 and subs thereunder issued to Transport Motor Express, Inc., Fort Wayne, Ind., authorizing the transportation of: general commodities, with usual exceptions, and specific commodities from, to, and between points in Pennsylvania, Illinois, Ohio, Indiana, West Virginia, Delaware, New York, New Jersey, Maryland, District of Columbia, Virginia, Massachusetts, Connecticut, Rhode Island, Wisconsin, Missouri, and Kentucky. Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603, attorneys for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-5969; Filed, May 19, 1969; 8:50 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May

FEDERAL REGISTER

VOLUME 34 • NUMBER 96

Tuesday, May 20, 1969 • Washington, D.C.

PART II

DEPARTMENT OF LABOR

•

Safety and Health Standards

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 50—Public Contracts, Department of Labor

PART 50–201—GENERAL REGULATIONS

PART 50–204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Safety and Health Standards

Following notice and opportunity for public participation, on January 17, 1969, a revision of Part 50–204 of Title 41, Code of Federal Regulations, and an amendment of § 50–201.502 of the same title were published in the FEDERAL REGISTER at 34 F.R. 788–796. On February 14, 1969, a document was published in the FEDERAL REGISTER at 34 F.R. 2207 postponing the effective date of the rules until May 17, 1969. The purpose of the postponement was to permit a careful review of the rules by the present Secretary of Labor. Further notice and general public participation were found unnecessary in view of the previous opportunities afforded, although an advisory committee with a broad representation of labor, management, and public groups interested in occupational safety and health was appointed to assist in the review and to make recommendations concerning the rules.

Consideration has now been given to the rules and to the data, views, and argument which had been submitted orally and in writing in response to the proposals published in the FEDERAL REGISTER on September 20, 1968 (33 F.R. 14258) and also to the recommendations of the advisory committee and the revision and amendment published in the FEDERAL REGISTER at 34 F.R. 788–796 are hereby adopted, subject to the changes indicated below. The listed changes in Part 50–204 include for easy reference the minor amendments to § 50–204.36 published on April 23, 1969 (34 F.R. 6779).

The changes are as follows:

1. In paragraph (a) of § 50–204.1, the first sentence is changed by adding the following sentence to the quotation from section 1(e) of the Walsh-Healey Public Contracts Act: "Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima-facie evidence of compliance with this subsection."

2. In paragraph (b) of § 50–204.2, the address of the office in the Middle Atlantic Region listed in item No. 2 of the paragraph is changed to Room 410, Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107.

3. Section 50–204.4 is changed.

4. In subparagraph (4) of paragraph (a) of § 50–204.5 the word "gullotine" is changed to read "guillotine".

5. Section 50–204.10 is amended.

6. Section 50–204.50 is amended.

7. Section 50–204.36 as changed at 34 F.R. 6779 is amended.

8. Section 50–204.80 is deleted.

9. A new § 50–204.1a is added.

Effective date. The revision of Part 50–204 and amendment of § 50–201.502 shall be effective May 17, 1969, or the date of their publication in the FEDERAL REGISTER, whichever is later. To the extent that any substantive rules may be considered involved, no further delay is provided, because the rules either remain unchanged from those published on January 17, 1969, for which a 90-day delay in effective date has been provided, or to the extent that they are changed, the rules are less restrictive than those previously published. In the event this document is published in the FEDERAL REGISTER subsequent to May 16, 1969, the rules revising Part 50–204 of Title 41, Code of Federal Regulations and amending § 50–201.502 of the same title referred to at 34 F.R. 2207 (Feb. 14, 1968) shall not be effective between May 17 and the date of the publication of this document.

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

GEORGE P. SHULTZ,
Secretary of Labor.

Subpart A—Scope and Application

Subpart B—General Safety and Health Standards

Subpart C—Radiation Standards

Subpart D—Gases, Vapors, Fumes, Dusts, and Mists

Subpart E—Transportation Safety

AUTHORITY: The provisions of this Part 50–204 issued under secs. 1, 4, 49 Stat. 2036, 2038, as amended; 41 U.S.C. 35, 38; 5 U.S.C. 556.

Subpart A—Scope and Application

§ 50–204.1 Scope and Application.

(a) The Walsh-Healey Public Contracts Act requires that contracts entered into by any agency of the United States for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000 must contain, among other provisions, a stipulation that "no part of such contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract. Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima-facie evidence of compliance with this subsection." (sec. 1(e), 49 Stat. 2036, 41 U.S.C. 35(e)). This Part 50–204 expresses the Secretary of Labor's interpretation and application of this provision with regard to certain particular working conditions. In addition, §§ 50–204.27, 50–204.30, 50–204.31, 50–204.32, 50–204.33, and 50–204.36 contain requirements concerning the instruction of personnel, notification of incidents, reports of exposures, and maintenance and disclosure of records.

(b) Except in the conduct of formal enforcement proceedings provided for in Part 50–203 of this chapter and as otherwise provided in this part, every investigator conducting investigations and every officer of the Department of Labor determining whether there are or have been violations of the safety and health requirements of the Walsh-Healey Public Contracts Act and of any contract subject thereto, and whether a settlement of the resulting issues should be made without resort to administrative or court litigation, shall treat a failure to comply with, or violation of, any of the safety and health measures contained in this

Part 50–204 as resulting in working conditions which are "unsanitary or hazardous or dangerous to the health and safety of employees" within the meaning of section 1(e) of the Act and the contract stipulation it requires. Every such investigator or every such officer shall have technical competence in safety, industrial hygiene, or both as may be appropriate, in the matters under investigation or consideration.

(c) Whenever any applicable standard in this Part 50–204 is relied upon by the Department of Labor in a formal enforcement proceeding under section 5 of the Walsh-Healey Public Contracts Act to support a finding of violation of the safety and health provisions of the Act and of a contract subject thereto, any respondent in the proceeding shall have the right and shall be afforded the opportunity to challenge the legality, fairness or propriety of any such reliance.

(d) The standards expressed in this Part 50–204 are for application to ordinary employment situations; compliance with them shall not relieve anyone from the obligation to provide protection for the health and safety of his employees in unusual employment situations. Neither do such standards purport to describe all of the working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees. Where such other working conditions may be found to be unsanitary or hazardous or dangerous to the health and safety of employees, professionally accepted safety and health practices will be used.

(e) Compliance with the standards expressed in this Part 50–204 is not intended, and shall not be deemed, to relieve anyone from any other obligation he may have to protect the health and safety of his employees, arising from sources other than the Walsh-Healey Public Contracts Act, such as State, local law or collective bargaining agreement.

(f) Whenever this part adopts by reference standards, specifications and codes published and available elsewhere, it only serves to adopt the substantive, technical portions of such standards, specifications and codes.

§ 50–204.1a Variations.

(a) The safety and health standards expressed in this part are intended for the application of section 1(e) of the Walsh-Healey Public Contracts Act to ordinary employment situations. The Director of the Bureau of Labor Standards may apply variations from the provisions of this part in enforcing the Act whenever he finds that, under the particular facts and circumstances involved, the plants, factories, buildings, surroundings, or working conditions are not unsanitary or hazardous or dangerous to the health and safety of the employees involved. Interested persons may request such a variation by making application therefor to the Director, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210.

(b) The provisions of paragraph (a) of this section shall not apply to §§ 50–204.35 and 204.36 which contain separate and specific variations procedures.

(c) Requests for exceptions or exemptions from the safety and health standards required by the Walsh-Healey Public Contracts Act, as permitted under section 6 of the Act, are processed under § 50–201.601 of this chapter.

Subpart B—General Safety and Health Standards

§ 50–204.2 General safety and health standards; incorporation by reference.

(a) Every contractor shall protect the safety and health of his employees by complying with the applicable standards, specifications, and codes developed and published by the following organizations:

United States of America Standards Institute (American Standards Association).
National Fire Protection Association.
American Society of Mechanical Engineers.
American Society for Testing and Materials.
United States Governmental Agencies, including by way of illustration the following publications of the indicated agencies:

(1) U.S. Department of Labor

Title 29 (CFR):
Part 1501—Safety and Health Regulations for Ship Repairing.
Part 1502—Safety and Health Regulations for Shipbuilding.
Part 1503—Safety and Health Regulations for Shipbreaking.
Part 1504—Safety and Health Regulations for Longshoring.

(2) U.S. Department of Interior, Bureau of Mines

(i) Safety Code for Bituminous Coal and Lignite Mines of the United States, Part I—Underground Mines, and Part II—Strip Mines.
(ii) Safety Code for Anthracite Mines of the United States, Part I—Underground Mines, and Part II—Strip Mines.
(iii) Safety Standards for Surface Auger Mining.
(iv) Respiratory Protective Devices Approved by the Bureau of Mines, Information Circular 8281.

(3) U.S. Department of Transportation.

49 CFR 171–179 and 14 CFR 103 Hazardous materials regulation—Transportation of compressed gases.

(4) U.S. Department of Health, Education, and Welfare, Public Health Service.

(i) Publication No. 24—Manual of Individual Water Supply Systems.
(ii) Publication No. 526—Manual of Septic-Tank Practices.
(iii) Publication No. 546—The Vending of Food and Beverages.
(iv) Publication No. 934—Food Service Sanitation Manual.
(v) Publication No. 956—Drinking Water Standards.
(vi) Publication No. 1163—A Sanitary Standard for Manufactured Ice.
(vii) Publication No. 1518—Working with Silver Solder.

(5) U.S. Department of Defense.

(i) AFM 127–100—Air Force—Explosives Safety Manual.
(ii) AMCR 385–224—Army Material Command—AMC Safety Manual.
(iii) NAVORD OP5—Navy—Ammunition Ashore, Handling, Stowing, and Shipping.

(6) U.S. Department of Agriculture.

Respiratory Devices for Protection against Certain Pesticides—ARS 33–76–2.

(b) Information as to the standards, specifications, and codes applicable to a particular contract or invitation for bids and as to the places where such documents and those incorporated by reference in other sections of this part may be obtained and is available at the Office of the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, Washington, D.C. 20210, and at any of the following regional offices of the Bureau:

1. North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, New Jersey and Puerto Rico).
2. Middle Atlantic Region, Room 410, Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107 (Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia).
3. South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Mississippi, South Carolina and Tennessee).
4. Great Lakes Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio and Wisconsin).
5. Mid-Western Region, 1906 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).
6. West Gulf Region, Room 601, Mayflower Building, 411 North Akard Street, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).
7. Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington and Guam).

(c) In applying the safety and health standards referred to in paragraph (a) of this section the Secretary may add to, strengthen or otherwise modify any standards whenever he considers that the standards do not adequately protect the safety and health of employees as required by the Walsh-Healey Public Contracts Act.

§ 50–204.3 Material handling and storage.

(a) Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repair, with no obstruction across or in aisles that could create a hazard. Permanent aisles and passageways shall be appropriately marked.

(b) Storage of material shall not create a hazard. Bags, containers, bundles, etc. stored in tiers shall be stacked, blocked, interlocked and limited in height so that they are stable and secure against sliding or collapse.

(c) Storage areas shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion, or pest harborage. Vegetation

control will be exercised when necessary.

(d) Proper drainage shall be provided.

(e) Clearance signs to warn off clearance limits shall be provided.

(f) Derail and/or bumper blocks shall be provided on spur railroad tracks where a rolling car could contact other cars being worked, enter a building, work or traffic area.

(g) Covers and/or guard rails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.

§ 50–204.4 Tools and equipment.

Each employer shall be responsible for the safe condition of tools and equipment used by employees, including tools and equipment which may be furnished by employees.

§ 50–204.5 Machine guarding.

(a) One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, in going nip points, rotating parts, flying chips and sparks. Examples of guarding methods are—Barrier guards, two hand tripping devices, electronic safety devices, etc.

(b) General requirements for machine guards. Guards shall be affixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself.

(c) Point of Operation Guarding.

(1) Point of operation is the area on a machine where work is actually performed upon the material being processed.

(2) Where existing standards prepared by organizations listed in § 50–204.2 provide for point of operation guarding such standards shall prevail. Other types of machines for which there are no specific standards, and the operation exposes an employee to injury, the point of operation shall be guarded. The guarding device shall be so designed and constructed so as to prevent the operator from having any part of his body in the danger zone during the operating cycle.

(3) Special hand tools for placing and removing material shall be such as to permit easy handling of material without the operator placing a hand in the danger zone. Such tools shall not be in lieu of other guarding required by this section, but can only be used to supplement protection provided.

(4) The following are some of the machines which usually require point of operation guarding:

Guillotine cutters.
Shears.
Alligator shears.
Power presses.
Milling machines.
Power saws.
Jointers.
Portable power tools.
Forming rolls and calenders.

(d) Revolving drums, barrels and containers shall be guarded by an enclosure which is interlocked with the drive mechanism, so that the barrel, drum or container cannot revolve unless the guard enclosure is in place.

(e) When the periphery of the blades of a fan is less than seven (7) feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than one half (½) inch.

(f) Machines designed for a fixed location shall be securely anchored to prevent walking or moving.

§ 50–204.6 Medical services and first aid.

(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matter of plant health.

(b) In the absence of an infirmary, clinic or hospital in near proximity to the work place which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. First aid supplies approved by the consulting physician shall be readily available.

(c) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

§ 50–204.7 Personal protective equipment.

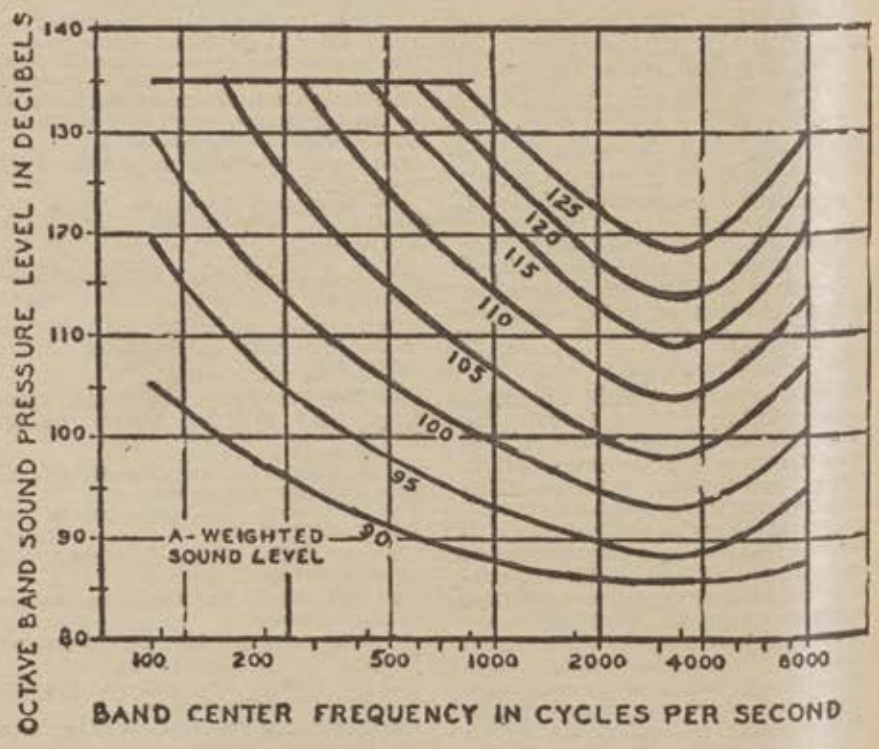
Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in function of any part of the body through absorption, inhalation or physical contact. Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment. All personal protective equipment shall be of safe design and construction for the work to be performed.

§ 50–204.8 Use of compressed air.

Compressed air shall not be used for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment.

§ 50–204.10 Occupational noise exposure.

(a) Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table I of this section when measured on the A scale of a standard sound level meter at slow response. When noise levels are determined by octave band analysis, the equivalent A-weighted sound level may be determined as follows:



Equivalent sound level contours. Octave band sound pressure levels may be converted to the equivalent A-weighted sound level by plotting them on this graph and noting the A-weighted sound level corresponding to the point of highest penetration into the sound level contours. This equivalent A-weighted sound level, which may differ from the actual A-weighted sound level of the noise, is used to determine exposure limits from Table I.

(b) When employees are subjected to sound exceeding those listed in Table I of this section, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of the table, personal protective equipment shall be provided and used to reduce sound levels within the levels of the table.

(c) If the variations in noise level involve maxima at intervals of 1 second or less, it is to be considered intermittent. In such cases, where the duration of the maxima are less than 1 second, they shall be treated as of 1-second duration.

(d) In all cases where the sound levels exceed the values shown herein, a continuing, effective hearing conservation program shall be administered.

TABLE I

PERMISSIBLE NOISE EXPOSURES [1]

Duration per day, hours	Sound level dBA
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

[1] When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions: C1/T1+C2/T2. . . . Cn/Tn exceeds unity, then, the mixed exposure should be considered to exceed the limit value. Cn indicates the total time of exposure at a specified noise level, and Tn indicates the total time of exposure permitted at that level.

Exposure to impulsive or impact noise should not exceed 140 dBA peak sound pressure level.

Subpart C—Radiation Standards

§ 50-204.20 Radiation—definitions.

As used in this subpart:

(a) "Radiation" includes alpha rays, beta rays, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other atomic particles; but such term does not include sound or radio waves, or visible light, or infrared or ultraviolet light.

(b) "Radioactive material" means any material which emits, by spontaneous nuclear disintegration, corpuscular or electromagnetic emanations.

(c) "Restricted area" means any area access to which is controlled by the employer for purposes of protection of individuals from exposure to radiation or radioactive materials.

(d) "Unrestricted area" means any area access to which is not controlled by the employer for purposes of protection of individuals from exposure to radiation or radioactive materials.

(e) "Dose" means the quantity of ionizing radiation absorbed, per unit of mass, by the body or by any portion of the body. When the provisions in this subpart specify a dose during a period of time, the dose is the total quantity of radiation absorbed, per unit of mass, by the body or by any portion of the body during such period of time. Several different units of dose are in current use. Definitions of units used in this subpart are set forth in paragraphs (f) and (g) of this section.

(f) "Rad" means a measure of the dose of any ionizing radiation to body tissues in terms of the energy absorbed per unit of mass of the tissue. One rad is the dose corresponding to the absorption of 100 ergs per gram of tissue (1 millirad (mrad) = 0.001 rad).

(g) "Rem" means a measure of the dose of any ionizing radiation to body tissue in terms of its estimated biological effect relative to a dose of 1 roentgen (r) of X-rays (1 millirem (mrem) = 0.001 rem). The relation of the rem to other dose units depends upon the biological effect under consideration and upon the conditions for irradiation. Each of the following is considered to be equivalent to a dose of 1 rem:

(1) A dose of 1 rad due to X- or gamma radiation;

(2) A dose of 1 rad due to X-, gamma, or beta radiation;

(3) A dose of 0.1 rad due to neutrons or high energy protons;

(4) A dose of 0.05 rad due to particles heavier than protons and with sufficient energy to reach the lens of the eye;

(5) If it is more convenient to measure the neutron flux, or equivalent, than to determine the neutron dose in rads, as provided in subparagraph (3) of this paragraph, 1 rem of neutron radiation may, for purposes of the provisions in this subpart be assumed to be equivalent to 14 million neutrons per square centimeter incident upon the body; or, if there is sufficient information to estimate with reasonable accuracy the approximate distribution in energy of the neutrons, the incident number of neutrons per square centimeter equivalent to 1 rem may be estimated from the following table:

NEUTRON FLUX DOSE EQUIVALENTS

Neturon energy (million electron volts [Mev])	Number of neutrons per square centimeter equivalent to a dose of 1 rem (neutrons/cm²)	Average flux to deliver 100 millirem in 40 hours (neutrons/cm² per sec.)
Thermal	970×10^6	670
0.0001	720×10^6	500
0.005	820×10^6	570
0.02	400×10^6	280
0.1	120×10^6	80
0.5	43×10^6	30
1.0	26×10^6	18
2.5	29×10^6	20
5.0	26×10^6	18
7.5	24×10^6	17
10	24×10^6	17
10 to 30	14×10^6	10

(h) For determining exposures to X- or gamma rays up to 3 Mev., the dose limits specified in this part may be assumed to be equivalent to the "air dose". For the purpose of this subpart "air dose" means that the dose is measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of the highest dosage rate.

§ 50-204.21 Exposure of individuals to radiation in restricted areas.

(a) Except as provided in paragraph (b) of this section, no employer shall possess, use, or transfer sources of ionizing radiation in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter from sources in the employer's possession or control a dose in excess of the limits specified in the following table:

	Rems per calendar quarter
1. Whole body: Head and trunk; active blood-forming organs; lens of eyes; or gonads	1¼
2. Hands and forearms; feet and ankles	18¾
3. Skin of whole body	7½

(b) An employer may permit an individual in a restricted area to receive doses to the whole body greater than those permitted under paragraph (a) of this section, so long as:

(1) During any calendar quarter the dose to the whole body shall not exceed 3 rems; and

(2) The dose to the whole body, when added to the accumulated occupational dose to the whole body, shall not exceed 5 (N–18) rems, where "N" equals the individual's age in years at his last birthday; and

(3) The employer maintains adequate past and current exposure records which show that the addition of such a dose will not cause the individual to exceed the amount authorized in this paragraph. As used in this paragraph "Dose to the whole body" shall be deemed to include any dose to the whole body, gonad, active bloodforming organs, head and trunk, or lens of the eye.

(c) No employer shall permit any employee who is under 18 years of age to receive in any period of one calendar quarter a dose in excess of 10 percent of the limits specified in the table in paragraph (a) of this section.

(d) "Calendar quarter" means any 3-month period determined as follows:

(1) The first period of any year may begin on any date in January: *Provided*, That the second, third, and fourth periods accordingly begin on the same date in April, July, and October, respectively, and that the fourth period extends into January of the succeeding year, if necessary to complete a 3-month quarter. During the first year of use of this method of determination, the first period for that year shall also include any additional days in January preceding the starting date for the first period; or

(2) The first period in a calendar year of 13 complete, consecutive calendar weeks; the second period in a calendar year of 13 complete, consecutive calendar weeks; the third period in a calendar

year of 13 complete, consecutive calendar weeks; the fourth period in a calendar year of 13 complete, consecutive calendar weeks. If at the end of a calendar year there are any days not falling within a complete calendar week of that year, such days shall be included within the last complete calendar week of that year. If at the beginning of any calendar year there are days not falling within a complete calendar week of that year, such days shall be included within the last complete calendar week of the previous year; or

(3) The four periods in a calendar year may consist of the first 14 complete, consecutive calendar weeks; the next 12 complete, consecutive calendar weeks, the next 14 complete, consecutive calendar weeks, and the last 12 complete, consecutive calendar weeks. If at the end of a calendar year there are any days not falling within a complete calendar week of that year, such days shall be included (for purposes of this part) within the last complete calendar week of the year. If at the beginning of any calendar year there are days not falling within a complete calendar week of that year, such days shall be included (for purposes of this part) within the last complete week of the previous year.

(e) No employer shall change the method used by him to determine calendar quarters except at the beginning of a calendar year.

§ 50-204.22 Exposure to airborne radioactive material.

(a) No employer shall possess, use or transport radioactive material in such a manner as to cause any employee, within a restricted area, to be exposed to airborne radioactive material in an average concentration in excess of the limits specified in Table I of Appendix B to 10 CFR Part 20. The limits given in Table I are for exposure to the concentrations specified for 40 hours in any workweek of 7 consecutive days. In any such period where the number of hours of exposure is less than 40, the limits specified in the table may be increased proportionately. In any such period where the number of hours of exposure is greater than 40, the limits specified in the table shall be decreased proportionately.

(b) No employer shall possess, use, or transfer radioactive material in such a manner as to cause any individual within a restricted area, who is under 18 years of age to be exposed to airborne radioactive material in an average concentration in excess of the limits specified in Table II of Appendix B to 10 CFR Part 20. For purposes of this paragraph, concentrations may be averaged over periods not greater than 1 week.

(c) "Exposed" as used in this section means that the individual is present in an airborne concentration. No allowance shall be made for the use of protective clothing or equipment, or particle size, except as authorized by the Director, Bureau of Labor Standards.

§ 50-204.23 Precautionary procedures and personnel monitoring.

(a) Every employer shall make such surveys as may be necessary for him to comply with the provisions in this subpart. "Survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such evaluation includes a physical survey of the location of materials and equipment, and measurements of levels of radiation or concentrations of radioactive material present.

(b) Every employer shall supply appropriate personnel monitoring equipment, such as film badges, pocket chambers, pocket dosimeters, or film rings, to, and shall require the use of such equipment by:

(1) Each employee who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in paragraph (a) of § 50-204.21; and

(2) Each employee under 18 years of age who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 5 percent of the applicable value specified in paragraph (a) of § 50-204.21; and

(3) Each employee who enters a high radiation area.

(c) As used in this subpart:

(1) "Personnel monitoring equipment" means devices designed to be worn or carried by an individual for the purpose of measuring the dose received (e.g., film badges, pocket chambers, pocket dosimeters, film rings, etc.);

(2) "Radiation area" means any area, accessible to personnel, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 5 millirem, or in any 5 consecutive days a dose in excess of 100 millirem; and

(3) "High radiation area" means any area, accessible to personnel, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 100 millirem.

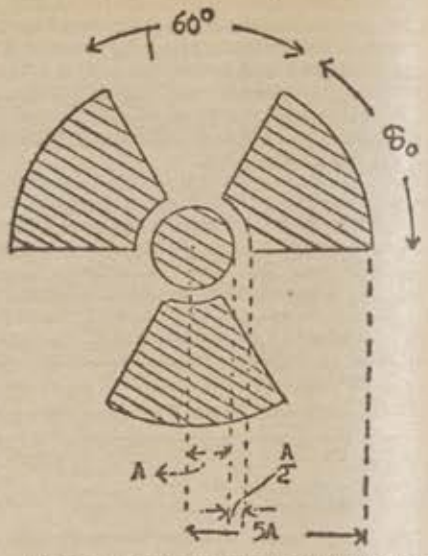
§ 50-204.24 Caution signs, labels, and signals.

(a) *General.* (1) Symbols prescribed by this section shall use the conventional radiation caution colors (magenta or purple on yellow background). The symbol prescribed by this section is the conventional three-bladed design:

RADIATION SYMBOL

1. Cross-hatched area is to be magenta or purple.

2. Background is to be yellow.



(2) In addition to the contents of signs and labels prescribed in this section, employers may provide on or near such signs and labels any additional information which may be appropriate in aiding individuals to minimize exposure to radiation or to radioactive material.

(b) *Radiation areas.* Each radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION[2]
RADIATION AREA

(c) *High radiation area.* (1) Each high radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION[2]
HIGH RADIATION AREA

(2) Each high radiation area shall be equipped with a control device which shall either cause the level of radiation to be reduced below that at which an individual might receive a dose of 100 millirems in 1 hour upon entry into the area or shall energize a conspicuous visible or audible alarm signal in such a manner that the individual entering and the employer or a supervisor of the activity are made aware of the entry. In the case of a high radiation area established for a period of 30 days or less, such control device is not required.

(d) *Airborne radioactivity area.* (1) As used in the provisions of this subpart, "airborne radioactivity area" means (i) any room, enclosure, or operating area in which airborne radioactive materials, composed wholly or partly of radioactive material, exist in concentrations in excess of the amounts specified in column 1 of Table 1 of Appendix B to 10 CFR Part 20 or (ii) any room, enclosure, or operating area in which airborne radioactive materials exist in concentrations

[2] Or "Danger".

which, averaged over the number of hours in any week during which individuals are in the area, exceed 25 percent of the amounts specified in column 1 of the described Table 1.

(2) Each airborne radioactivity area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [2]
AIRBORNE RADIOACTIVITY AREA

(c) *Additional requirements.* (1) Each area or room in which radioactive material is used or stored and which contains any radioactive material (other than natural uranium or thorium) in any amount exceeding 10 times the quantity of such material specified in Appendix C to 10 CFR Part 20 shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [2]
RADIOACTIVE MATERIALS

(2) Each area or room in which natural uranium or thorium is used or stored in an amount exceeding 100 times the quantity specified in Appendix C to 10 CFR Part 20 shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [2]
RADIOACTIVE MATERIALS

(f) *Containers.* (1) Each container in which is transported, stored, or used a quantity of any radioactive material (other than natural uranium or thorium) greater than the quantity of such material specified in Appendix C to 10 CFR Part 20 shall bear a durable, clearly visible label bearing the radiation caution symbol and the words:

CAUTION [2]
RADIOACTIVE MATERIALS

(2) Each container in which natural uranium or thorium is transported, stored, or used in a quantity greater than 10 times the quantity specified in Appendix C to 10 CFR Part 20 shall bear a durable, clearly visible label bearing the radiation caution symbol and the words:

CAUTION [2]
RADIOACTIVE MATERIALS

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph a label shall not be required:

(i) If the concentration of the material in the container does not exceed that specified in column 2 of the described Table 1, or

(ii) For laboratory containers, such as beakers, flasks, and tests tubes, used transiently in laboratory procedures, when the user is present.

(4) Where containers are used for storage, the labels required in this paragraph shall state also the quantities and kinds of radioactive materials in the containers and the date of measurement of the quantities.

[2] Or "Danger".

§ 50–204.25 Exceptions from posting requirements.

Notwithstanding the provisions of § 50–204.24:

(a) A room or area is not required to be posted with a caution sign because of the presence of a sealed source, provided the radiation level 12 inches from the surface of the source container or housing does not exceed 5 millirem per hour.

(b) Rooms or other areas in on-site medical facilities are not required to be posted with caution signs because of the presence of patients containing radioactive material, provided that there are personnel in attendance who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in the provisions of this subpart.

(c) Caution signs are not required to be posted at areas or rooms containing radioactive materials for periods of less than 8 hours: *Provided*, That (1) the materials are constantly attended during such periods by an individual who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive materials in excess of the limits established in the provisions of this subpart; and (2) such area or room is subject to the employer's control.

§ 50–204.26 Exemptions for radioactive materials packaged for shipment.

Radioactive materials packaged and labeled in accordance with regulations of the Department of Transportation shall be exempt from the labeling and posting requirements during shipment, provided that the inside containers are labeled in accordance with the provisions of § 50–204.24.

§ 50–204.27 Instruction of personnel posting.

Employers regulated by the AEC shall be governed by "§ 20.206" (10 CFR Part 20) standards. Employers in a State named in § 50–204.34(c) shall be governed by the requirements of the laws and regulations of that State. All other employers shall be regulated by the following:

(a) All individuals working in or frequenting any portion of a radiation area shall be informed of the occurrence of radioactive materials or of radiation in such portions of the radiation area; shall be instructed in the safety problems associated with exposure to such materials or radiation and in precautions or devices to minimize exposure; shall be instructed in the applicable provisions of this subpart for the protection of employees from exposure to radiation or radioactive materials; and shall be advised of reports of radiation exposure which employees may request pursuant to the regulations in this part.

(d) Each employer to whom this subpart applies shall post a current copy of its provisions and a copy of the operating procedures applicable to the work under contract conspicuously in such locations as to ensure that employees working in or frequenting radiation areas will observe these documents on the way to and from their place of employment, or shall keep such documents available for examination of employees upon request.

§ 50–204.28 Storage of radioactive materials.

Radioactive materials stored in a nonradiation area shall be secured against unauthorized removal from the place of storage.

§ 50–204.29 Waste disposal.

No employer shall dispose of radioactive material except by transfer to an authorized recipient, or in a manner approved by the Atomic Energy Commission or a State named in § 50–204.34(c).

§ 50–204.30 Notification of incidents.

(a) *Immediate notification.* Each employer shall immediately notify the Regional Director of the appropriate Wage and Labor Standards Administration, Office of Occupational Safety of the Bureau of Labor Standards of the U.S. Department of Labor, for employees not protected by AEC by means of 10 CFR Part 20, § 50–204.34(b) of this part, or the requirements of the laws and regulations of States named in § 50–204.34 (c), by telephone or telegraph of any incident involving radiation which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 25 rems or more of radiation; exposure of the skin of the whole body of any individual to 150 rems or more of radiation; or exposure of the feet, ankles, hands, or forearms of any individual to 375 rems or more of radiation; or

(2) The release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 5,000 times the limit specified for such materials in Table II of Appendix B to 10 CFR Part 20.

(3) A loss of 1 working week or more of the operation of any facilities affected; or

(4) Damage to property in excess of $100,000.

(b) *Twenty-four hour notification.* Each employer shall within 24 hours following its occurrence notify the Regional Director of the appropriate Wage and Labor Standards Administration, Office of Occupational Safety of the Bureau of Labor Standards of the U.S. Department of Labor, for employees not protected by AEC by means of 10 CFR Part 20, § 50–204.34(b) of this part, or the requirements of the laws and applicable regulations of States named in § 50–204.34(c), by telephone or telegraph of any incident involving radiation which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 5 rems or more of radiation; exposure of the skin of the whole body of any individual to 30 rems or more of radiation; or exposure of the feet,

ankles, hands, or forearms to 75 rems or more of radiation; or

(2) A loss of 1 day or more of the operation of any facilities; or

(3) Damage to property in excess of $10,000.

§ 50–204.31 Reports of overexposure and excessive levels and concentrations.

(a) In addition to any notification required by § 50–204.30 each employer shall make a report in writing within 30 days to the Regional Director of the appropriate Wage and Labor Standards Administration, Office of Occupational Safety of the Bureau of Labor Standards of the U.S. Department of Labor, for employees not protected by AEC by means of 10 CFR Part 20, or under section 50–204.34(b) of this part, or the requirements of the laws and regulations of States named in § 50–204.34(c), of each exposure of an individual to radiation or concentrations of radioactive material in excess of any applicable limit in this subpart. Each report required under this paragraph shall describe the extent of exposure of persons to radiation or to radioactive material; levels of radiation and concentrations of radioactive material involved, the cause of the exposure, levels of concentrations; and corrective steps taken or planned to assure against a recurrence.

(b) In any case where an employer is required pursuant to the provisions of this section to report to the U.S. Department of Labor any exposure of an individual to radiation or to concentrations of radioactive material, the employer shall also notify such individual of the nature and extent of exposure. Such notice shall be in writing and shall contain the following statement: "You should preserve this report for future reference."

§ 50–204.32 Records.

(a) Every employer shall maintain records of the radiation exposure of all employees for whom personnel monitoring is required under § 50–204.23 and advise each of his employees of his individual exposure on at least an annual basis.

(b) Every employer shall maintain records in the same units used in tables in § 50–204.21 and Appendix B to 10 CFR Part 20.

§ 50–204.33 Disclosure to former employee of individual employee's record.

(a) At the request of a former employee an employer shall furnish to the employee a report of the employee's exposure to radiation as shown in records maintained by the employer pursuant to § 50–204.32(a). Such report shall be furnished within 30 days from the time the request is made, and shall cover each calendar quarter of the individual's employment involving exposure to radiation or such lesser period as may be requested by the employee. The report shall also include the results of any calculations and analysis of radioactive material deposited in the body of the employee. The report shall be in writing and contain the following statement: "You should preserve this report for future reference."

(b) The former employee's request should include appropriate identifying data, such as social security number and dates and locations of employment.

§ 50–204.34 AEC licensees—AEC contractors operating AEC plants and facilities—AEC agreement State licensees or registrants.

(a) Any employer who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended, under a license issued by the Atomic Energy Commission and in accordance with the requirements of 10 CFR Part 20 shall be deemed to be in compliance with the requirements of this subpart with respect to such possession and use.

(b) AEC contractors operating AEC plants and facilities: Any employer who possesses or uses source material, byproduct material, special nuclear material, or other radiation sources under a contract with the Atomic Energy Commission for the operation of AEC plants and facilities and in accordance with the standards, procedures, and other requirements for radiation protection established by the Commission for such contract pursuant to the Atomic Energy Act of 1954 as amended (42 U.S.C. 2011 et seq.), shall be deemed to be in compliance with the requirements of this subpart with respect to such possession and use.

(c) AEC-agreement State licensees or registrants:

(1) *Atomic Energy Act Sources.* Any employer who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has either registered such sources with, or is operating under a license issued by, a State which has an agreement in effect with the Atomic Energy Commission pursuant to section 274(b) (42 U.S.C. 2021(b)) of the Atomic Energy Act of 1954, as amended, and in accordance with the requirements of that State's laws and regulations shall be deemed to be in compliance with the radiation requirements of this part, insofar as his possession and use of such material is concerned, unless the Secretary of Labor, after conference with the Atomic Energy Commission, shall determine that the State's program for control of these radiation sources is incompatible with the requirements of this part. Such agreements currently are in effect only in the States of Alabama, Arkansas, California, Kansas, Kentucky, Florida, Mississippi, New Hampshire, New York, North Carolina, Texas, Tennessee, Oregon, Idaho, Arizona, Colorado, Louisiana, Nebraska, and Washington.

(2) *Other sources.* Any employer who possesses or uses radiation sources other than source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has either registered such sources with, or is operating under a license issued by a State which has an agreement in effect with the Atomic Energy Commission pursuant to section 274(b) (42 U.S.C. 2021(b)) of the Atomic Energy Act of 1954, as amended, and in accordance with the requirements of that State's laws and regulations shall be deemed to be in compliance with the radiation requirements of this part, insofar as his possession and use of such material is concerned, provided the State's program for control of these radiation sources is the subject of a currently effective determination by the Secretary of Labor that such program is compatible with the requirements of this part. Such determinations currently are in effect only in the States of Alabama, Arkansas, California, Kansas, Kentucky, Florida, Mississippi, New Hampshire, New York, North Carolina, Texas, Tennessee, Oregon, Idaho, Arizona, Colorado, Louisiana, Nebraska, and Washington.

§ 50–204.35 Application for variations from radiation levels.

(a) In accordance with policy expressed in the Federal Radiation Council's memorandum concerning radiation protection guidance for Federal agencies (25 F.R. 4402), the Director, Bureau of Labor Standards may from time to time grant permission to employers to vary from the limitations contained in §§ 50–204.21 and 50–204.22 when the extent of variation is clearly specified and it is demonstrated to his satisfaction that (1) such variation is necessary to obtain a beneficial use of radiation or atomic energy, (2) such benefit is of sufficient value to warrant the variation, (3) employees will not be exposed to an undue hazard, and (4) appropriate actions will be taken to protect the health and safety of such employees.

(b) Applications for such variations should be filed with the Director, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210.

§ 50–204.36 Radiation standards for mining.

(a) For the purpose of this section, a "working level" is defined as any combination of radon daughters in 1 liter of air which will result in the ultimate emission of 1.3×10^5 million electron volts of potential alpha energy. The numerical value of the "working level" is derived from the alpha energy released by the total decay of short-lived radon daughter products in equilibrium with 100 pico-curies of radon 222 per liter of air. A working level month is defined as the exposure received by a worker breathing air at one working level concentration for 4⅓ weeks of 40 hours each.

(b) (1) Occupational exposure to radon daughters in mines shall be controlled so that no individual will receive an exposure of more than 2 working level months in any calendar quarter and no more than 4 working level months in any calendar year. Actual exposures shall be kept as far below these values as practicable.

(2) In enforcing this section, the Director of the Bureau of Labor Standards may at any stage approve variations in individual cases from the limitation set forth in subparagraph (1) of this paragraph to comply with the requirements of the Act upon a showing to the satisfaction of the Director by an employer having a mine with conditions resulting

in an exposure of more than 4 working level months but not more than 12 working level months in any 12 consecutive months that (i) under the particular facts and circumstances involved the working conditions of the employees so exposed are such that their health and safety are protected, and (ii) the employer has a bona fide plan to reduce the levels of exposure to those specified in subparagraph (1) of this paragraph as soon as practicable, but in no event later than January 1, 1971.

(3) Whenever a variation under subparagraph (2) of this paragraph is sought, a request therefor should be submitted in writing to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210, within 90 days following the end of the calendar quarter or year, as the case may be.

(c) (1) For uranium mines, records of environmental concentrations in the occupied parts of the mine, and of the time spent in each area by each person involved in underground work shall be established and maintained. These records shall be in sufficient detail to permit calculations of the exposures, in units of working level months, of the individuals and shall be available for inspection by the Secretary of Labor or his authorized agents.

(2) For other than uranium mines and for surface workers in all mines, subparagraph (1) of this paragraph will be applicable: *Provided, however,* That if no environmental sample shows a concentration greater than 0.33 working level in any occupied part of the mine, the maintenance of individual occupancy records and the calculation of individual exposures will not be required.

(d) (1) At the request of an employee (or former employee) a report of the employee's exposure to radiation as shown in records maintained by the employer pursuant to paragraph (c) of this section, shall be furnished to him. The report shall be in writing and contain the following statement:

This report is furnished to you under the provisions of the U.S. Department of Labor, Radiation Safety and Health Standards (41 CFR 50-204.36). You should preserve this report for future reference.

(2) The former employee's request should include appropriate identifying data, such as social security number and dates and locations of employment.

Subpart D—Gases, Vapors, Fumes, Dusts, and Mists

§ 50-204.50 Gases, vapors, fumes, dusts, and mists.

(a) Exposures by inhalation, ingestion, skin absorption, or contact to any material or substance (1) at a concentration above those specified in the "Threshold Limit Values of Airborne Contaminants for 1968" of the American Conference of Governmental Industrial Hygienists, except for the USASI Standards listed in Table I of this section and except for the values of mineral dusts listed in Table II of this section, and (2) concentrations above those specified in Table I and II of this section, shall be avoided, or protective equipment shall be provided and used.

(b) To achieve compliance with paragraph (a), feasible administrative or engineering controls must first be determined and implemented in all cases. In cases where protective equipment, or protective equipment in addition to other measures is used as the method of protecting the employee, such protection must be approved for each specific application by a competent industrial hygienist or other technically qualified source.

TABLE I

	8-hr. time weighted average
Toluene (Z37.12-1967)	200 p.p.m.
Formaldehyde (Z37.16-1967)	3 p.p.m.
Carbon tetrachloride (Z37.17-1967).	10 p.p.m.
Trichlorethylene (Z37.19-1967).	100 p.p.m.
Tetrachloroethylene (Z37.22-1967).	100 p.p.m.
Hydrogene fluoride (Z37.28-1966).	3 p.p.m.
Fluoride dust as F (Z37.28-1966).	2.5mg/M³
Carbon disulfide (Z37.3-1968)	20 p.p.m. acceptable ceiling concentrate.
Hydrogen sulfide (Z37.2-1966).	20 p.p.m.

TABLE II

MINERAL DUSTS

Substance	Mppcf*	Mg/M³
Silica:		
Crystalline—		
Quartz (Respirable)	250†	10mg/M³‖
	%SiO_2+5	%SiO_2+2
Quartz (Total Dust)		30mg/M³
		%SiO_2+2
Cristobalite: Use ½ the value calculated from the count or mass formulae for quartz.		
Tridymite: Use ½ the value calculated from the formulae for quartz.		
Amorphous, including natural diatomaceous earth	20	80mg/M³
		%SiO_2
Tremolite	5	20mg/M³
		%SiO_2
Silicates (less than 1% crystalline silica):		
Asbestos—12 fibers per milliliter greater than 5 microns in length‡ or	2	
Mica	20	
Soapstone	20	
Talc	20	
Portland Cement	50	
Graphite (natural)	15	
Coal Dust (Respirable fraction less than 5% SiO_2)		2.4mg/M³ or
For more than 5% SiO_2		10mg/M³
		%SiO_2+2
Inert or Nuisance Dust:		
Respirable Fraction	15	5mg/M³
Total Dust	50	15mg/M³

NOTE: Conversion factors

mppcf×35.3=million particles per cubic meter
=particles per c.c.

*Millions of particles per cubic foot of air, based on impinger samples counted by light-field technics.

†The percentage of crystalline silica in the formula is the amount determined from air-borne samples, except in those instances in which other methods have been shown to be applicable.

‡As determined by the membrane filter method at 430 X phase contrast magnification.

‖Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	% passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0
	0

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of 2.4 Mg/M³ in the table for coal dust is 4.5 Mg/M³.

§ 50-204.65 Inspection of compressed gas cylinders.

Each contractor shall determine that compressed gas cylinders under his control are in a safe condition to the extent that this can be determined by visual inspection. Visual and other inspections shall be conducted as prescribed in the Hazardous Materials Regulations of the Department of Transportation (49 CFR Parts 171-179 and 14 CFR Part 103). Where those regulations are not applicable, visual and other inspections shall be conducted in accordance with Compressed Gas Association Pamphlets C-6-198 and C-8-1962.

§ 50-204.66 Acetylene.

(a) The in-plant transfer, handling, storage, and utilization of acetylene in cylinders shall be in accordance with Compressed Gas Association Pamphlet G-1-1966.

(b) The piped systems for the in-plant transfer and distribution of acetylene shall be designed, installed, maintained, and operated in accordance with Compressed Gas Association Pamphlet G-1.3-1959.

(c) Plants for the generation of acetylene and the charging (filling) of acetylene cylinders shall be designed, constructed, and tested in accordance with the standards prescribed in Compressed Gas Association Pamphlet G-1.4-1966.

§ 50-204.67 Oxygen.

The in-plant transfer, handling, storage, and utilization of oxygen as a liquid or a compressed gas shall be in accordance with Compressed Gas Association Pamphlet G-4-1962.

§ 50-204.68 Hydrogen.

The in-plant transfer, handling, storage, and utilization of hydrogen shall be in accordance with Compressed Gas Association Pamphlets G-5.1-1961 and G-5.2-1966.

§ 50-204.69 Nitrous oxide.

The piped systems for the in-plant transfer and distribution of nitrous oxide shall be designed, installed, maintained, and operated in accordance with Compressed Gas Association Pamphlet G-8.1-1964.

§ 50-204.70 Compressed gases.

The in-plant handling, storage, and utilization of all compressed gases in cylinders, portable tanks, rail tankcars, or motor vehicle cargo tanks shall be in accordance with Compressed Gas Association Pamphlet P-1-1965. Compressed

gas cylinders, portable tanks, and cargo tanks shall have pressure relief devices which shall be installed and maintained in accordance with Compressed Gas Association Pamphlets S–1.1–1963 (with 1965 addenda) and S–1.2–1963.

§ 50–204.71 Safety relief devices for compressed gas containers.

Compressed gas cylinders, portable tanks, and cargo tanks shall have pressure relief devices installed and maintained in accordance with Compressed Gas Association Pamphlets S–1.1–1963 and 1965 addenda and S–1.2–1963.

§ 50–204.72 Safe practices for welding and cutting on containers which have held combustibles.

Welding or cutting or both on containers which have held flammable or combustible solids, liquids, or gases, or have contained substances which may produce flammable vapors or gases will not be attempted until the containers have been thoroughly cleaned in strict accordance with the rules and procedures embodied in American Welding Society Pamphlet A–6.0–65, edition of 1965.

Subpart E—Transportation Safety

§ 50–204.75 Transportation safety.

Transportation in connection with public contracts, as listed in § 50–204.2(a)(3) shall be conducted in accordance with the U.S. Department of Transportation requirements. Where such requirements do not apply, Chapters 10, 11, 12, and 14 of the Uniform Vehicle Code of the National Committee on Uniform Traffic Laws and Ordinances, 1962 Edition, shall be used.

2. Section 50–201.502 is revised to read as follows:

§ 50–201.502 Record of injuries.

(a) Every person who is or shall become a party to a Government contract which is subject to the provisions of the Walsh-Healey Public Contracts Act and the regulations thereunder, or who is performing or shall perform any part of such contract subject to the provisions of such act or regulations, shall maintain the records specified below which shall be available for inspection by authorized representatives of the Secretary of Labor:

(1) Records of all injuries to employees, including a brief description of the manner of occurrence and the date and duration of disability.

(2) Records of injury frequency rates, calculated annually on a calendar year basis commencing the first of January of each year, as defined in United States of America Standards Institute, Z16.1–1967 "Method of Recording and Measuring Work Injury Experience."

(3) Records of injury severity rates, calculated annually on a calendar year basis commencing the first of January of each year, as defined in United States of America Standards Institute, Z16.1–1967 "Method of Recording and Measuring Work Injury Experience."

(b) The records required in paragraph (a) of this section shall be kept on file at least 3 years from the date of entry.

(c) Where records are kept on a fiscal or insurance year basis, they shall be accepted as being in compliance with subparagraphs (2) and (3) of paragraph (a) of this section.

(Sec. 4, 49 Stat. 2036; 41 U.S.C. 2038)

[F.R. Doc. 69–5931; Filed, May 19, 1969; 8:45 a.m.]