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PART I

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Title 7—AGRICULTURE

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

[Grapefruit Reg. 35, Amdt. 4]

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

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Administrative Committee reflects its appraisal of the current grapefruit crop and the current and prospective market conditions. More grapefruit is affected by scarring than heretofore estimated. Such grapefruit is otherwise of good quality and is readily desired by consumers. This amendment relaxes the requirement as to such scarring so that more scarred grapefruit may be shipped.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an unassembled meeting on May 26, 1969, to consider recommendation for regulation; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such unassembled meeting; necessary supplemental economic and statistical information upon which this recommended amendment is based were received on May 26, 1969; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof, and this amendment relieves restrictions on the handling of grapefruit.

Order. In § 909.335 (Grapefruit Regulation 35; 33 F.R. 15295; 34 F.R. 810, 5907, 7283) the provisions of paragraph (a)(1) preceding (a)(1)(ii) are amended to read as follows:

§ 909.335 Grapefruit Regulation 35.

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

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purpose of this regulation shall include the requirement that the grapefruit be free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That in lieu of the 10 percent tolerance provided for the U.S. No. 2 grade, not more than a total tolerance of 20 percent, by count, shall be allowed for grapefruit which fail to meet the requirements of such grade: *Provided further*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(*a*) 20 percent, by count, for defects caused by scarring, including therein not more than 5 percent, by count, for any of the following defects or any combination thereof:

(*1*) Scars which are fairly light in color, slightly rough or of slight depth and aggregate more than 15 percent of the fruit surface;

(2) Scars which are dark, rough, or deep and aggregate more than 5 percent of the fruit surface; or

(3) Scars which are very deep; or scars which are very rough or very dark and aggregate more than 1 inch in diameter.

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

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

* * * * *

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

Dated, May 29, 1969, to become effective June 1, 1969.

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

[F.R. Doc. 69-6624; Filed, June 2, 1969; 11:23 a.m.]

[Avocado Reg. 17]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

§ 944.9 Avocado Regulation 17.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period June 9, 1969, through April 30, 1970, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 7, 1969; (ii) from July 7, 1969, through July 13, 1969, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least $3\frac{11}{16}$ inches in diameter; and (iii) from July 14, 1969, through July 28, 1969, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least $3\frac{7}{16}$ inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to September 15, 1969; (ii) from September 15, 1969, through September 21, 1969, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 22, 1969, through October 5, 1969, unless the individual fruit in each such lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 11, 1969; (ii) from August 11, 1969,

through August 24, 1969, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least 3 9/16 inches in diameter; and (iii) from August 25, 1969, through September 7, 1969, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 7/16 inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian type including unidentified West Indian varieties, and West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) prior to July 7, 1969; (ii) from July 7, 1969, through July 13, 1969, unless the individual fruit in each lot of such avocados weights at least 18 ounces; (iii) from July 14, 1969, through August 3, 1969, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from August 4, 1969, through August 31, 1969, unless the individual fruit in each lot of such avocados weighs at least 14 ounces; and (v) from September 1, 1969, through September 21, 1969, unless the individual fruit in each lot of such avocados weighs at least 12 ounces: *Provided*, That any lot of such avocados may be imported without regard to the minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 22, 1969; (ii) from September 22, 1969, through October 19, 1969, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 20, 1969, through December 21, 1969, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of subparagraphs (2) through (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports	Office	Advance notice
All Texas points.	L. M. Denbo, 506 South Nebraska St., San Juan, Tex.	1 day.
	or	
	James L. Williams, Room 516 U.S. Courthouse, El Paso, Tex. 79901 (Phone—915-533-9351, Ext. 5340).	Do.
All New York points.	Edward J. Beller, Hunt's Point Market, Room 28A, Bronx, N.Y. 10474 (Phone—212-991-7665 and 7666).	Do.
All Arizona points.	B. O. Morgan, 225 Terrace Ave., Post Office Box 1646, Nogales, Ariz. 85612 (Phone—602-287-2902).	Do.
All Florida points.	Hubert S. Flynt, 775 Warner St., Post Office Box 6697, Orlando, Fla. 32803 (Phone—305-841-2141).	Do.
	or	
	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 538, Miami, Fla. 33136 (Phone—305-371-2517).	Do.
All California points.	D. P. Thompson, 784 South Central Ave., Room 294, Los Angeles, Calif. 90021 (Phone—213-622-8756).	3 days.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—202-388-3870 and 4560).	Do.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipments; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the maturity requirements set forth in this regulation are comparable to the maturity regulations applicable, during the effective time hereof, to shipments of avocados grown in south Florida.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning, prior to importation, any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade and diameter, as used herein, shall have the same meaning as when used in the U.S. Standards for Florida Avocados (7 CFR 51.3050–51.3069). Importation means release from custody of the U.S. Bureau of Customs.

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 regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this 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 grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 11 which becomes effective June 9, 1969; (c) such domestic and import restrictions should become effective at as near the same time as is reasonably practicable; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (e) notice hereof in excess of 3 days, the minimum prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

Dated: May 29, 1969, to become effective June 9, 1969.

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

[F.R. Doc. 69-6579; Filed, June 3, 1969; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1969 Crop Wheat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Wheat Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and any amendments thereto and the 1968 and Subsequent Crops Wheat Loan and Purchase Program regulations (33 F.R. 7069 and 14399) which contain regulations of a general nature with respect to price support operations are further supplemented for the 1969 crop of wheat as follows:

Sec.
1421.2115 Availability.
1421.2116 Compliance requirements.
1421.2117 Warehouse charges.
1421.2118 Maturity of loans.
1421.2119 Support rates, premiums, and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

§ 1421.2115 Availability.

A producer desiring a price support loan must request a loan on his eligible wheat on or before April 30, 1970, on wheat stored in Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming, and on or before March 31 1970, on wheat stored in all other States. To obtain price support through sales, a producer must execute and deliver to the appropriate county ASCS office a Purchase Agreement (Form CCC-614), indicating the approximate quantity of 1969 crop wheat he will sell to CCC, on or before May 31, 1970, for wheat stored in the States named in this section and on or before April 30, 1970, for wheat stored in all other States. To obtain a price support loan on his wheat or to sell his wheat to CCC, a producer must execute a Form CCC-680, 1969 Crop Wheat Varieties Certification.

§ 1421.2116 Compliance requirements.

A producer shall be eligible for a loan or purchase if he is eligible to receive wheat marketing certificates on wheat of the 1969 crop on the farm on which the wheat tendered for loan or purchase is produced under the Regulations Pertaining to Farm Acreage Allotments, Yields, and Wheat Certificate Program for the Crop Years 1968 Through 1969 issued as separate regulations under Part 728 of this Title 7 (see 33 F.R. 6508, Apr. 30, 1968 and amendments thereto).

§ 1421.2117 Warehouse charges.

Subject to the provisions of § 1421.2107, the schedules of deductions set forth in this section shall apply to wheat stored in an approved warehouse operating under the Uniform Grain Storage Agreement and operated by an Eastern common carrier.

(a) *Warehouses approved under the Uniform Grain Storage Agreement.*

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of Apr. 30, 1970	Deduction (cents per bushel)	Maturity date of May 31, 1970
(1)		(1).
Prior to May 16, 1969	13	Prior to June 16, 1969.
May 16-June 12, 1969	12	June 16-July 13, 1969.
June 13-July 10, 1969	11	July 14-Aug. 10, 1969.
July 11-Aug. 7, 1969	10	Aug. 11-Sept. 7, 1969.
Aug. 8-Sept. 4, 1969	9	Sept. 8-Oct. 5, 1969.
Sept. 5-Oct. 2, 1969	8	Oct. 6-Nov. 2, 1969.
Oct. 3-Oct. 30, 1969	7	Nov. 3-Nov. 30, 1969.
Oct. 31-Nov. 27, 1969	6	Dec. 1-Dec. 28, 1969.
Nov. 28-Dec. 25, 1969	5	Dec. 29, 1969-Jan. 25, 1970.
Dec. 26, 1969-Jan. 22, 1970.	4	Jan. 26-Feb. 22, 1970.
Jan. 23-Feb. 19, 1970	3	Feb. 23-Mar. 22, 1970.
Feb. 20-Mar. 19, 1970	2	Mar. 23-Apr. 19, 1970.
Mar. 20-Apr. 30, 1970	1	Apr. 20-May 31, 1970.

[1] Date storage charges start, all dates inclusive.

(b) *Warehouses operated by Eastern common carriers.* (1) Eligible wheat stored in the following approved Eastern common carrier warehouse may be placed under loan or offered for sale to CCC: Pennsylvania Railroad Co., Canton Elevator—Warehouse Code 9-2151, Baltimore, Md.

(2) *Schedule of deductions for storage charges.*

Maturity date of Apr. 30, 1970	Deduction (cents per bushel)
(1)	(2)
Prior to June 25, 1969	16
June 25-July 14, 1969	15
July 15-Aug. 3, 1969	14
Aug. 4-Aug. 23, 1969	13
Aug. 24-Sept. 12, 1969	12
Sept. 13-Oct. 2, 1969	11
Oct. 3-Oct. 22, 1969	10
Oct. 23-Nov. 11, 1969	9
Nov. 12-Dec. 1, 1969	8
Dec. 2-Dec. 21, 1969	7
Dec. 22, 1969-Jan. 10, 1970	6
Jan. 11-Jan. 30, 1970	5
Jan. 31-Feb. 19, 1970	4
Feb. 20-Mar. 11, 1970	3
Mar. 12-Mar. 31, 1970	2
Apr. 1-Apr. 30, 1970	1

[1] Storage commence date, all dates inclusive.

[2] If producer presents evidence that elevation charges were prepaid, reduce storage deduction 2 cents per bushel.

§ 1421.2118 Maturity of loans.

Loans mature on demand but not later than: May 31, 1970, on wheat stored in the States of Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming; April 30, 1970, on wheat stored in all other States.

§ 1421.2119 Support rates, premiums and discounts.

(a) *Basic support rates (terminals).* Basic support rates for loans and settlement purposes for grade No. 1 wheat stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per bushel
Astoria, Oreg	$1.45
Portland, Oreg	1.45
Kalama, Wash	1.45
Longview, Wash	1.45
Seattle, Wash	1.45
Tacoma, Wash	1.45
Vancouver, Wash	1.45
Long Beach, Calif	1.54
Los Angeles, Calif	1.54
Oakland, Calif	1.54
San Francisco, Calif	1.54
Stockton, Calif	1.54
Wilmington, Calif	1.54
Louisville, Ky	1.45
Memphis, Tenn	1.45
Atchison, Kans	1.45
Council Bluffs, Iowa	1.45
Kansas City, Kans	1.45
Kansas City, Mo	1.45
St. Joseph, Mo	1.45
Omaha, Nebr	1.45
Sioux City, Iowa	1.45
Cairo, Ill	1.46
Chicago, Ill	1.46
East St. Louis, Ill	1.46
Milwaukee, Wis	1.46
St. Louis, Mo	1.46
Duluth, Minn	1.57
Minneapolis, Minn	1.57
St. Paul, Minn	1.57
Superior, Wis	1.57
Albany, N.Y	1.60
Baltimore, Md	1.60
Charleston, S.C	1.60
Norfolk, Va	1.60
Philadelphia, Pa	1.60
New York, N.Y	1.60
Corpus Christi, Tex	1.70
Galveston, Tex	1.70
Houston, Tex	1.70
Beaumont, Tex	1.70
Port Arthur, Tex	1.70
New Orleans, La	1.70
Baton Rouge, La	1.70

(b) *Basic support rates (counties).* Basic county support rates per bushel for loan and settlement purposes for farm-stored and country warehouse-stored wheat are established for wheat grading No. 1 and are as follows:

ALABAMA

County	Rate per bushel
All counties	$1.30

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$0.93	Mohave	$1.15
Cochise	1.25	Navajo	.93
Coconino	.93	Pima	1.28
Gila	.93	Pinal	1.31
Graham	1.15	Santa Cruz	1.26
Greenlee	.93	Yavapai	.99
Maricopa	1.31	Yuma	1.33

ARKANSAS

Arkansas	$1.37	Carroll	$1.20
Ashley	1.35	Chicot	1.36
Baxter	1.25	Clark	1.32
Benton	1.20	Clay	1.37
Boone	1.23	Cleburne	1.37
Bradley	1.34	Cleveland	1.36
Calhoun	1.33	Columbia	1.36

ARKANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Conway	$1.34	Miller	$1.36
Craighead	1.39	Mississippi	1.40
Crawford	1.21	Monroe	1.39
Crittenden	1.42	Montgomery	1.25
Cross	1.41	Nevada	1.34
Dallas	1.32	Newton	1.23
Desha	1.37	Ouachita	1.34
Drew	1.35	Perry	1.26
Faulkner	1.35	Phillips	1.39
Franklin	1.22	Pike	1.26
Fulton	1.31	Poinsett	1.41
Garland	1.29	Polk	1.25
Grant	1.31	Pope	1.25
Greene	1.38	Prairie	1.38
Hempstead	1.35	Pulaski	1.36
Hot Spring	1.30	Randolph	1.38
Howard	1.27	St. Francis	1.41
Independence	1.33	Saline	1.30
Izard	1.27	Scott	1.25
Jackson	1.37	Searcy	1.25
Jefferson	1.36	Sebastian	1.24
Johnson	1.25	Sevier	1.27
Lafayette	1.36	Sharp	1.31
Lawrence	1.38	Stone	1.29
Lee	1.40	Union	1.36
Lincoln	1.35	Van Buren	1.34
Little River	1.35	Washington	1.21
Logan	1.21	White	1.38
Lonoke	1.37	Woodruff	1.39
Madison	1.21	Yell	1.25
Marion	1.25		

CALIFORNIA

Alameda	$1.40	Plumas	$1.28
Alpine	1.28	Riverside	1.35
Amador	1.40	Sacramento	1.39
Butte	1.37	San Benito	1.37
Calaveras	1.40	San Bernardino	1.37
Colusa	1.38	San Diego	1.33
Contra Costa	1.40	San Joaquin	1.42
El Dorado	1.36	San Luis Obispo	1.34
Fresno	1.38	San Mateo	1.40
Glenn	1.37	Santa Barbara	1.33
Humboldt	1.22	Santa Clara	1.39
Imperial	1.35	Santa Cruz	1.36
Inyo	1.22	Shasta	1.26
Kern	1.36	Sierra	1.19
Kings	1.38	Siskiyou	1.26
Lake	1.34	Solano	1.39
Lassen	1.20	Sonoma	1.38
Los Angeles	1.38	Stanislaus	1.41
Madera	1.40	Sutter	1.38
Marin	1.40	Tehama	1.32
Mariposa	1.40	Tulare	1.37
Mendocino	1.29	Tuolumne	1.40
Merced	1.40	Ventura	1.38
Modoc	1.25	Yolo	1.39
Monterey	1.36	Yuba	1.38
Napa	1.39		
Orange	1.38		
Placer	1.38		

COLORADO

Adams	$1.10	Grand	$ .94
Alamosa	.94	Huerfano	1.05
Arapahoe	1.10	Jackson	.96
Archuleta	.93	Jefferson	1.10
Baca	1.13	Kiowa	1.12
Bent	1.11	Kit Carson	1.13
Boulder	1.10	La Plata	.93
Chaffee	.92	Larimer	1.10
Cheyenne	1.13	Las Animas	1.10
Conejos	.92	Lincoln	1.10
Costilla	.94	Logan	1.11
Crowley	1.10	Mesa	.92
Custer	1.01	Moffat	.94
Delta	.91	Montezuma	.93
Denver	1.10	Montrose	.91
Dolores	.93	Morgan	1.10
Douglas	1.10	Otero	1.10
Eagle	.92	Ouray	.91
Elbert	1.10	Phillips	1.13
El Paso	1.10	Pitkin	.92
Fremont	1.04	Prowers	1.13
Garfield	.92	Pueblo	1.10

COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
Rio Blanco	$ .93	Summit	$ .92
Rio Grande	.92	Teller	1.10
Routt	.94	Washington	1.10
Saguache	.92	Weld	1.10
San Miguel	.91	Yuma	1.12
Sedgwick	1.13		

CONNECTICUT

County	Rate per bushel
All counties	$1.41

DELAWARE

Kent	$1.41
New Castle	1.41
Sussex	1.40

FLORIDA

All counties	$1.32

GEORGIA

All counties	$1.32

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.15	Gem	$1.15
Adams	1.15	Gooding	1.17
Bannock	1.16	Idaho	1.22
Bear Lake	1.13	Jefferson	1.13
Benewah	1.24	Jerome	1.18
Bingham	1.14	Kootenai	1.23
Blaine	1.16	Latah	1.24
Boise	1.15	Lemhi	1.13
Bonner	1.19	Lewis	1.22
Bonneville	1.13	Lincoln	1.18
Boundary	1.16	Madison	1.12
Butte	1.14	Minidoka	1.18
Camas	1.15	Nez Perce	1.24
Canyon	1.15	Oneida	1.17
Caribou	1.15	Owyhee	1.15
Cassia	1.18	Payette	1.15
Clark	1.11	Power	1.16
Clearwater	1.22	Shoshone	1.08
Custer	1.14	Teton	1.10
Elmore	1.15	Twin Falls	1.20
Franklin	1.17	Valley	1.14
Fremont	1.11	Washington	1.15

ILLINOIS

Adams	$1.26	Henry	$1.28
Alexander	1.28	Iroquois	1.30
Bond	1.31	Jackson	1.30
Boone	1.32	Jasper	1.28
Brown	1.26	Jefferson	1.31
Bureau	1.31	Jersey	1.32
Calhoun	1.31	Jo Daviess	1.28
Carroll	1.29	Johnson	1.19
Cass	1.23	Kane	1.32
Champaign	1.28	Kankakee	1.31
Christian	1.28	Kendall	1.32
Clark	1.25	Knox	1.28
Clay	1.22	Lake	1.31
Clinton	1.29	La Salle	1.31
Coles	1.26	Lawrence	1.20
Cook	1.32	Lee	1.31
Crawford	1.25	Livingston	1.30
Cumberland	1.28	Logan	1.26
De Kalb	1.32	McDonough	1.24
De Witt	1.26	McHenry	1.32
Douglas	1.26	McLean	1.27
Du Page	1.32	Macon	1.28
Edgar	1.23	Macoupin	1.32
Edwards	1.27	Madison	1.32
Effingham	1.28	Marion	1.31
Fayette	1.31	Marshall	1.30
Ford	1.29	Mason	1.25
Franklin	1.30	Massac	1.23
Fulton	1.28	Menard	1.25
Gallatin	1.20	Mercer	1.28
Greene	1.32	Monroe	1.31
Grundy	1.32	Montgomery	1.32
Hamilton	1.27	Morgan	1.28
Hancock	1.24	Moultrie	1.27
Hardin	1.17	Ogle	1.31
Henderson	1.27	Peoria	1.28

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Perry	$1.32	Stark	$1.29
Piatt	1.27	Stephenson	1.31
Pike	1.26	Tazewell	1.26
Pope	1.21	Union	1.29
Pulaski	1.27	Vermilion	1.28
Putnam	1.28	Wabash	1.24
Randolph	1.31	Warren	1.28
Richland	1.26	Washington	1.31
Rock Island	1.29	Wayne	1.26
St. Clair	1.30	White	1.23
Saline	1.20	Whiteside	1.31
Sangamon	1.28	Will	1.32
Schuyler	1.26	Williamson	1.29
Scott	1.30	Winnebago	1.31
Shelby	1.29	Woodford	1.28

INDIANA

Adams	$1.18	Madison	$1.19
Allen	1.19	Marion	1.20
Bartholomew	1.24	Marshall	1.29
Benton	1.25	Martin	1.17
Blackford	1.20	Miami	1.23
Boone	1.19	Monroe	1.26
Brown	1.20	Montgomery	1.19
Carroll	1.24	Morgan	1.17
Cass	1.24	Newton	1.31
Clark	1.28	Noble	1.18
Clay	1.22	Ohio	1.20
Clinton	1.22	Orange	1.27
Crawford	1.28	Owen	1.17
Daviess	1.16	Parke	1.19
Dearborn	1.20	Perry	1.28
Delaware	1.18	Pike	1.22
Dubois	1.28	Porter	1.31
Elkhart	1.24	Posey	1.23
Fayette	1.20	Pulaski	1.31
Floyd	1.28	Putnam	1.19
Fountain	1.18	Randolph	1.18
Franklin	1.20	Ripley	1.21
Fulton	1.29	Rush	1.20
Gibson	1.24	St. Joseph	1.29
Grant	1.19	Scott	1.25
Greene	1.17	Shelby	1.20
Hamilton	1.19	Spencer	1.28
Hancock	1.20	Starke	1.30
Harrison	1.28	Steuben	1.19
Hendricks	1.20	Sullivan	1.23
Henry	1.20	Switzerland	1.21
Howard	1.21	Tippecanoe	1.22
Huntington	1.18	Tipton	1.19
Jackson	1.24	Union	1.20
Jasper	1.29	Vanderburgh	1.28
Jay	1.18	Vermillion	1.29
Jefferson	1.22	Vigo	1.29
Jennings	1.22	Wabash	1.21
Johnson	1.21	Warren	1.24
Knox	1.20	Warrick	1.27
Kosciusko	1.23	Washington	1.26
Lawrence	1.24	Wayne	1.20
Lake	1.31	Wells	1.17
La Porte	1.30	White	1.30
Lawrence	1.24	Whitley	1.20

IOWA

Adair	$1.27	Clinton	$1.25
Adams	1.31	Crawford	1.28
Allamakee	1.31	Dallas	1.28
Appanoose	1.23	Davis	1.23
Audubon	1.25	Decatur	1.25
Benton	1.29	Delaware	1.29
Black Hawk	1.30	Des Moines	1.24
Boone	1.28	Dickinson	1.31
Bremer	1.31	Dubuque	1.28
Buchanan	1.29	Emmet	1.33
Buena Vista	1.30	Fayette	1.30
Butler	1.31	Floyd	1.32
Calhoun	1.29	Franklin	1.31
Carroll	1.28	Fremont	1.31
Cass	1.27	Greene	1.28
Cedar	1.28	Grundy	1.30
Cerro Gordo	1.32	Guthrie	1.28
Cherokee	1.28	Hamilton	1.30
Chickasaw	1.31	Hancock	1.32
Clarke	1.27	Hardin	1.30
Clay	1.31	Harrison	1.27
Clayton	1.29	Henry	1.24

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Howard	$1.32	Page	$1.31
Humboldt	1.30	Palo Alto	1.31
Ida	1.27	Plymouth	1.31
Iowa	1.28	Pocahontas	1.30
Jackson	1.26	Polk	1.28
Jasper	1.28	Pottawattamie	1.29
Jefferson	1.24	Poweshiek	1.28
Johnson	1.28	Ringgold	1.26
Jones	1.29	Sac	1.29
Keokuk	1.25	Scott	1.25
Kossuth	1.32	Shelby	1.26
Lee	1.23	Sioux	1.32
Linn	1.29	Story	1.29
Louisa	1.25	Tama	1.29
Lucas	1.24	Taylor	1.28
Lyon	1.30	Union	1.30
Madison	1.26	Van Buren	1.23
Mahaska	1.26	Wapello	1.24
Marion	1.26	Warren	1.27
Marshall	1.29	Washington	1.25
Mills	1.31	Wayne	1.23
Mitchell	1.33	Webster	1.30
Monona	1.28	Winnebago	1.33
Monroe	1.24	Winneshiek	1.31
Montgomery	1.31	Woodbury	1.28
Muscatine	1.27	Worth	1.33
O'Brien	1.30	Wright	1.31
Osceola	1.31		

KANSAS

Allen	$1.28	Linn	$1.31
Anderson	1.30	Logan	1.17
Atchinson	1.31	Lyon	1.27
Barber	1.22	McPherson	1.22
Barton	1.20	Marion	1.23
Bourbon	1.29	Marshall	1.27
Brown	1.31	Meade	1.16
Butler	1.23	Miami	1.31
Chase	1.25	Mitchell	1.23
Chautauqua	1.25	Montgomery	1.27
Cherokee	1.27	Morris	1.25
Cheyenne	1.15	Morton	1.20
Clark	1.17	Nemaha	1.28
Clay	1.24	Neosho	1.28
Cloud	1.24	Ness	1.20
Coffey	1.28	Norton	1.20
Comanche	1.19	Osage	1.28
Cowley	1.25	Osborne	1.22
Crawford	1.28	Ottawa	1.23
Decatur	1.19	Pawnee	1.20
Dickinson	1.23	Phillips	1.20
Doniphan	1.31	Pottawatomie	1.28
Douglas	1.31	Pratt	1.20
Edwards	1.20	Rawlins	1.16
Elk	*1.25	Reno	1.22
Ellis	1.20	Republic	1.24
Ellsworth	1.22	Rice	1.22
Finney	1.16	Riley	1.27
Ford	1.19	Rooks	1.21
Franklin	1.31	Rush	1.20
Geary	1.25	Russell	1.21
Gove	1.19	Saline	1.23
Graham	1.20	Scott	1.17
Grant	1.15	Sedgwick	1.23
Gray	1.17	Seward	1.21
Greeley	1.15	Shawnee	1.29
Greenwood	1.26	Sheridan	1.19
Hamilton	1.15	Sherman	1.15
Harper	1.23	Smith	1.22
Harvey	1.23	Stafford	1.20
Haskell	1.16	Stanton	1.14
Hodgeman	1.20	Stevens	1.17
Jackson	1.30	Sumner	1.24
Jefferson	1.31	Thomas	1.17
Jewell	1.23	Trego	1.20
Johnson	1.31	Wabaunsee	1.27
Kearny	1.15	Wallace	1.15
Kingman	1.22	Washington	1.25
Kiowa	1.20	Wichita	1.16
Labette	1.27	Wilson	1.27
Lane	1.19	Woodson	1.28
Leavenworth	1.31	Wyandotte	1.31
Lincoln	1.22		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	$1.28	Kenton	$1.28
Allen	1.27	Knox	1.28
Anderson	1.29	Larue	1.28
Ballard	1.25	Laurel	1.29
Barren	1.27	Lawrence	1.29
Bath	1.29	Lee	1.29
Bell	1.28	Lewis	1.30
Boone	1.28	Lincoln	1.30
Bourbon	1.30	Livingston	1.25
Boyd	1.30	Logan	1.26
Boyle	1.30	Lyon	1.26
Bracken	1.29	McCracken	1.25
Breathitt	1.28	McCreary	1.28
Breckenridge	1.26	McLean	1.25
Bullitt	1.28	Madison	1.30
Butler	1.26	Magoffin	1.28
Caldwell	1.26	Marion	1.29
Calloway	1.25	Marshall	1.25
Campbell	1.28	Mason	1.29
Carlisle	1.25	Meade	1.26
Carroll	1.28	Menifee	1.28
Carter	1.29	Mercer	1.30
Casey	1.29	Metcalfe	1.27
Christian	1.26	Monroe	1.28
Clark	1.30	Mongtomery	1.29
Clay	1.28	Morgan	1.28
Clinton	1.29	Muhlenberg	1.26
Crittenden	1.25	Nelson	1.29
Cumberland	1.28	Nicholas	1.29
Daviess	1.25	Ohio	1.26
Edmonson	1.26	Oldham	1.28
Elliott	1.29	Owen	1.29
Estill	1.29	Owsley	1.28
Fayette	1.30	Pendleton	1.29
Fleming	1.29	Powell	1.29
Franklin	1.29	Pulaski	1.30
Fulton	1.25	Robertson	1.29
Gallatin	1.28	Rockcastle	1.30
Garrard	1.30	Rowan	1.30
Grant	1.29	Russell	1.28
Graves	1.25	Scott	1.29
Grayson	1.27	Shelby	1.28
Green	1.29	Simpson	1.27
Greenup	1.30	Spencer	1.28
Hancock	1.26	Taylor	1.29
Hardin	1.27	Todd	1.26
Harrison	1.29	Trigg	1.26
Hart	1.27	Trimble	1.28
Henderson	1.25	Union	1.25
Henry	1.28	Warren	1.26
Hickman	1.25	Washington	1.30
Hopkins	1.26	Wayne	1.29
Jackson	1.28	Webster	1.25
Jefferson	1.28	Whitley	1.28
Jessamine	1.30	Wolfe	1.28
Johnson	1.28	Woodford	1.30

LOUISIANA

County	Rate per bushel
All counties	$1.35

MAINE

All counties	$1.32

MARYLAND

County	Rate per bushel	County	Rate per bushel
Allegany	$1.31	Howard	$1.44
Anne Arundel	1.40	Kent	1.41
Baltimore	1.40	Montgomery	1.39
Calvert	1.39	Prince Georges	1.39
Caroline	1.41	Queen Annes	1.41
Carroll	1.40	St. Marys	1.39
Cecil	1.40	Somerset	1.39
Charles	1.39	Talbot	1.41
Dorchester	1.40	Washington	1.36
Frederick	1.39	Wicomico	1.40
Garrett	1.30	Worcester	1.39
Harford	1.41		

MASSACHUSETTS

All counties	$1.35

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.10	Keweenaw	$1.24
Agler	1.21	Lake	1.14
Allegan	1.16	Lapeer	1.15
Alpena	1.09	Leelanau	1.12
Antrim	1.11	Lenawee	1.20
Arenac	1.12	Livingston	1.16
Baraga	1.27	Luce	1.06
Barry	1.16	Mackinac	1.05
Bay	1.13	Macomb	1.19
Benzie	1.14	Mainstee	1.14
Berrien	1.27	Marquette	1.23
Branch	1.20	Mason	1.14
Calhoun	1.21	Mecosta	1.14
Cass	1.21	Menominee	1.21
Charleviox	1.10	Midland	1.14
Cheboyan	1.09	Missaukee	1.14
Chippewa	1.06	Monroe	1.20
Clare	1.14	Moncalm	1.14
Clinton	1.15	Monmorency	1.10
Crawford	1.11	Muskegon	1.15
Delta	1.21	Newaygo	1.14
Dickinson	1.22	Oakland	1.17
Eaton	1.16	Oceana	1.14
Emmet	1.09	Ogemaw	1.12
Genesee	1.15	Ontonagon	1.22
Gladwin	1.13	Osceola	1.14
Gogebic	1.30	Oscoda	1.11
Grand Traverse	1.12	Otsego	1.10
Gratiot	1.15	Ottawa	1.16
Hillsdale	1.20	Presque Isle	1.08
Houghton	1.24	Roscommon	1.13
Huron	1.15	Saginaw	1.15
Ingham	1.16	St. Clair	1.18
Ionia	1.15	St. Joseph	1.20
Iosco	1.11	Sanilac	1.15
Iron	1.22	Schoolcraft	1.21
Isabella	1.14	Shiawassee	1.15
Jackson	1.21	Tuscola	1.15
Kalamazoo	1.20	Van Buren	1.18
Kalkaska	1.12	Washtenaw	1.18
Kent	1.15	Wayne	1.18
		Wexford	1.14

MINNESOTA

Aitkin	$1.44	Lincoln	$1.38
Anoka	1.43	Lyon	1.40
Becker	1.37	McLeod	1.43
Beltrami	1.39	Mahnomen	1.36
Benton	1.43	Marshall	1.33
Big Stone	1.39	Martin	1.41
Blue Earth	1.43	Meeker	1.43
Brown	1.43	Mille Lacs	1.43
Carlton	1.44	Morrison	1.42
Carver	1.43	Mower	1.43
Cass	1.41	Murray	1.39
Chippewa	1.42	Nicollet	1.43
Chisago	1.43	Nobles	1.36
Clay	1.35	Norman	1.34
Clearwater	1.38	Olmstead	1.43
Cottonwood	1.41	Otter Tail	1.39
Crow Wing	1.43	Pennington	1.34
Dakota	1.43	Pine	1.43
Dodge	1.43	Pipestone	1.36
Douglas	1.41	Polk	1.35
Faribault	1.42	Pope	1.41
Fillmore	1.40	Ramsey	1.43
Freeborn	1.43	Red Lake	1.36
Goodhue	1.43	Redwood	1.42
Grant	1.39	Renville	1.43
Hennepin	1.43	Rice	1.43
Houston	1.38	Rock	1.34
Hubbard	1.38	Roseau	1.31
Isanti	1.43	St. Louis	1.37
Itasca	1.44	Scott	1.43
Jackson	1.40	Sherburne	1.43
Kanabec	1.43	Sibley	1.43
Kandiyohi	1.43	Stearns	1.43
Kittson	1.30	Steele	1.43
Koochiching	1.36	Stevens	1.40
Lac qui Parle	1.40	Swift	1.42
Lake of the Woods	1.34	Todd	1.41
Le Sueur	1.43	Traverse	1.38
		Wabasha	1.43
		Wadena	1.40

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Waseca	$1.43	Winona	$1.43
Washington	1.43	Wright	1.43
Watonwan	1.42	Yellow Medicine	1.41
Wilkin	1.37		

MISSISSIPPI

County	Rate per bushel
All counties	$1.27

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.24	Linn	$1.29
Andrew	1.31	Livingston	1.30
Atchison	1.31	McDonald	1.26
Audrain	1.30	Macon	1.27
Barry	1.26	Madison	1.29
Barton	1.28	Maries	1.31
Bates	1.31	Marion	1.26
Benton	1.29	Mercer	1.28
Bollinger	1.31	Miller	1.28
Boone	1.28	Mississippi	1.35
Buchanan	1.31	Moniteau	1.26
Butler	1.36	Monroe	1.27
Caldwell	1.31	Montgomery	1.32
Callaway	1.29	Morgan	1.26
Camden	1.25	New Madrid	1.36
Cape Girardeau	1.34	Newton	1.26
Carroll	1.31	Nodaway	1.31
Carter	1.30	Oregon	1.29
Cass	1.31	Osage	1.30
Cedar	1.30	Ozark	1.24
Chariton	1.30	Pemiscot	1.37
Christian	1.26	Perry	1.29
Clark	1.25	Pettis	1.29
Clay	1.31	Phelps	1.28
Clinton	1.31	Pike	1.31
Cole	1.29	Platte	1.31
Cooper	1.27	Polk	1.27
Crawford	1.29	Pulaski	1.26
Dade	1.27	Putnam	1.26
Dallas	1.25	Ralls	1.27
Daviess	1.30	Randolph	1.28
De Kalb	1.31	Ray	1.31
Dent	1.27	Reynolds	1.27
Douglas	1.23	Ripley	1.34
Dunklin	1.37	St. Charles	1.33
Franklin	1.33	St. Clair	1.30
Gasconade	1.31	St. Genevieve	1.30
Gentry	1.31	St. Francois	1.30
Greene	1.26	St. Louis	1.33
Grundy	1.29	Saline	1.30
Harrison	1.29	Schuyler	1.24
Henry	1.31	Scotland	1.25
Hickory	1.28	Scott	1.35
Holt	1.31	Shannon	1.27
Howard	1.28	Shelby	1.26
Howell	1.26	Stoddard	1.35
Iron	1.29	Stone	1.25
Jackson	1.31	Sullivan	1.28
Jasper	1.28	Taney	1.24
Jefferson	1.32	Texas	1.23
Johnson	1.31	Vernon	1.30
Knox	1.25	Warren	1.33
Laclede	1.24	Washington	1.30
Lafayette	1.31	Wayne	1.31
Lawrence	1.26	Webster	1.24
Lewis	1.25	Worth	1.31
Lincoln	1.33	Wright	1.23

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$1.09	Fergus	$1.07
Big Horn	1.07	Flathead	1.10
Blaine	1.07	Gallatin	1.06
Broadwater	1.04	Garfield	1.08
Carbon	1.07	Glacier	1.07
Carter	1.14	Golden Valley	1.07
Cascade	1.07	Granite	1.04
Chouteau	1.07	Hill	1.07
Custer	1.10	Jefferson	1.04
Daniels	1.08	Judith Basin	1.07
Dawson	1.12	Lake	1.04
Deer Lodge	1.06		
Fallon	1.14		

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Lewis and Clark	$1.07	Prairie	$1.11
Liberty	1.07	Ravalli	1.04
Lincoln	1.10	Richland	1.10
McCone	1.10	Roosevelt	1.08
Madison	1.06	Rosebud	1.07
Meagher	1.07	Sanders	1.08
Mineral	1.10	Sheridan	1.11
Missoula	1.08	Silver Bow	1.06
Musselshell	1.07	Stillwater	1.07
Park	1.04	Sweet Grass	1.07
Petroleum	1.07	Teton	1.07
Phillips	1.07	Toole	1.07
Pondera	1.07	Treasure	1.07
Powder River	1.08	Valley	1.07
Powell	1.06	Wheatland	1.07
		Wibaux	1.14
		Yellowstone	1.07

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.25	Jefferson	$1.28
Antelope	1.28	Johnson	1.29
Arthur	1.15	Kearney	1.24
Banner	1.11	Keith	1.15
Blaine	1.20	Keya Paha	1.22
Boone	1.28	Kimball	1.10
Box Butte	1.15	Knox	1.28
Boyd	1.26	Lancaster	1.31
Brown	1.21	Lincoln	1.19
Buffalo	1.25	Logan	1.20
Burt	1.31	Loup	1.24
Butler	1.31	McPherson	1.20
Cass	1.31	Madison	1.29
Cedar	1.27	Merrick	1.28
Chase	1.16	Morrill	1.13
Cherry	1.19	Nance	1.28
Cheyenne	1.11	Nemaha	1.30
Clay	1.26	Nuckolls	1.26
Colfax	1.31	Otoe	1.31
Cuming	1.31	Pawnee	1.23
Custer	1.23	Perkins	1.16
Dakota	1.28	Phelps	1.23
Dawes	1.14	Pierce	1.29
Dawson	1.23	Platte	1.30
Deuel	1.14	Polk	1.29
Dixon	1.28	Red Willow	1.20
Dodge	1.31	Richardson	1.28
Douglas	1.31	Rock	1.22
Dundy	1.16	Saline	1.30
Fillmore	1.28	Sarpy	1.31
Franklin	1.23	Saunders	1.31
Frontier	1.20	Scotts Bluff	1.12
Furnas	1.21	Seward	1.31
Gage	1.29	Sheridan	1.16
Garden	1.15	Sherman	1.25
Garfield	1.24	Sioux	1.13
Gosper	1.22	Stanton	1.31
Grant	1.16	Thayer	1.27
Greeley	1.26	Thomas	1.20
Hall	1.26	Thurston	1.29
Hamilton	1.27	Valley	1.24
Harlan	1.22	Washington	1.31
Hayes	1.16	Wayne	1.27
Hitchcock	1.18	Webster	1.24
Holt	1.25	Wheeler	1.28
Hooker	1.18	York	1.29
Howard	1.26		

NEVADA

All counties	$1.20

NEW HAMPSHIRE

All counties	$1.34

NEW JERSEY

County	Rate per bushel	County	Rate per bushel
Atlantic	$1.39	Middlesex	$1.40
Bergen	1.40	Monmouth	1.39
Burlington	1.40	Morris	1.40
Camden	1.42	Ocean	1.39
Cape May	1.37	Passaic	1.40
Cumberland	1.40	Salem	1.41
Essex	1.40	Somerset	1.39
Gloucester	1.41	Sussex	1.40
Hunterdon	1.39	Union	1.40
Mercer	1.40	Warren	1.38

NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Bernalillo	$1.14	Mora	$1.14
Catron	1.01	Otero	1.17
Chaves	1.21	Quay	1.25
Colfax	1.13	Rio Arriba	.93
Curry	1.26	Roosevelt	1.25
De Baca	1.20	Sandoval	1.14
Dona Ana	1.14	San Juan	.93
Eddy	1.20	San Miguel	1.14
Grant	.97	Santa Fe	1.15
Guadalupe	1.19	Sierra	1.14
Harding	1.23	Socorro	1.14
Hidalgo	1.10	Taos	.94
Lea	1.23	Torrance	1.16
Lincoln	1.17	Union	1.22
Luna	1.10	Valencia	1.06
McKinley	.93		

NEW YORK

County	Rate per bushel	County	Rate per bushel
Albany	$1.42	Oneida	$1.37
Allegany	1.35	Onondaga	1.35
Broome	1.35	Ontario	1.35
Cattaraugus	1.30	Orange	1.38
Cayuga	1.35	Orleans	1.35
Chautauqua	1.25	Oswego	1.35
Chemung	1.35	Otsego	1.37
Chenango	1.35	Putnam	1.38
Clinton	1.31	Rensselaer	1.41
Columbia	1.40	Rockland	1.37
Cortland	1.35	St. Lawrence	1.30
Delaware	1.36	Saratoga	1.40
Dutchess	1.39	Schenectady	1.41
Erie	1.32	Schoharie	1.40
Essex	1.35	Schuyler	1.35
Franklin	1.28	Seneca	1.35
Fulton	1.36	Steuben	1.35
Genessee	1.35	Suffolk	1.37
Greene	1.40	Sullivan	1.32
Herkimer	1.38	Tioga	1.35
Jefferson	1.31	Tompkins	1.35
Lewis	1.33	Ulster	1.38
Livingston	1.35	Warren	1.39
Madison	1.35	Washington	1.39
Monroe	1.35	Wayne	1.35
Montgomery	1.41	Westchester	1.40
Nassau	1.37	Wyoming	1.34
Niagara	1.35	Yates	1.35

NORTH CAROLINA

All counties	$1.34

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$1.20	McLean	$1.19
Barnes	1.30	Mercer	1.19
Benson	1.22	Morton	1.22
Billings	1.18	Mountrail	1.15
Bottineau	1.16	Nelson	1.27
Bowman	1.19	Oliver	1.20
Burke	1.15	Pembina	1.28
Burleigh	1.23	Pierce	1.20
Cass	1.32	Ramsey	1.24
Cavalier	1.23	Ransom	1.32
Dickey	1.31	Renville	1.15
Divide	1.13	Richland	1.36
Dunn	1.18	Rolette	1.19
Eddy	1.25	Sargent	1.34
Emmons	1.25	Sheridan	1.21
Foster	1.26	Sioux	1.22
Golden Valley	1.15	Slope	1.20
Grand Forks	1.31	Stark	1.20
Grant	1.21	Steele	1.30
Griggs	1.29	Stutsman	1.27
Hettinger	1.20	Towner	1.20
Kidder	1.24	Traill	1.31
La Moure	1.28	Walsh	1.29
Logan	1.26	Ward	1.16
McHenry	1.18	Wells	1.24
McIntosh	1.26	Williams	1.14
McKenzie	1.12		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.18	Athens	$1.20
Allen	1.22	Auglaize	1.21
Ashland	1.22	Belmont	1.21
Ashtabula	1.24	Brown	1.18

Ohio—Continued

County	Rate per bushel	County	Rate per bushel
Butler	$1.18	Madison	$1.19
Carroll	1.21	Mahoning	1.24
Champaign	1.19	Marion	1.20
Clark	1.18	Medina	1.21
Clermont	1.18	Meigs	1.18
Clinton	1.18	Mercer	1.21
Columbiana	1.22	Miami	1.19
Coshocton	1.21	Monroe	1.21
Crawford	1.23	Montgomery	1.18
Cuyahoga	1.21	Morgan	1.21
Darke	1.20	Morrow	1.21
Defiance	1.22	Muskingum	1.21
Delaware	1.20	Noble	1.21
Erie	1.23	Ottawa	1.24
Fairfield	1.20	Paulding	1.22
Fayette	1.18	Perry	1.20
Franklin	1.20	Pickaway	1.19
Fulton	1.22	Pike	1.18
Gallia	1.18	Portage	1.21
Geauga	1.24	Preble	1.18
Greene	1.18	Putnam	1.23
Guernsey	1.21	Richland	1.22
Hamilton	1.18	Ross	1.19
Hancock	1.24	Sandusky	1.24
Hardin	1.22	Scioto	1.18
Harrison	1.21	Seneca	1.23
Henry	1.22	Shelby	1.21
Highland	1.18	Stark	1.21
Hocking	1.20	Summit	1.21
Holmes	1.21	Trumbull	1.24
Huron	1.23	Tuscarawas	1.21
Jackson	1.18	Union	1.20
Jefferson	1.23	Van Wert	1.22
Knox	1.21	Vinton	1.20
Lake	1.23	Warren	1.18
Lawrence	1.18	Washington	1.21
Licking	1.20	Wayne	1.21
Logan	1.20	Williams	1.22
Lorain	1.22	Wood	1.24
Lucas	1.23	Wyandot	1.23

Oklahoma

Adair	1.26	Le Flore	$1.26
Alfalfa	1.25	Lincoln	1.26
Atoka	1.26	Logan	1.26
Beaver	1.23	Love	1.26
Beckham	1.26	McClain	1.26
Blaine	1.26	McCurtain	1.26
Bryan	1.26	McIntosh	1.26
Caddo	1.26	Major	1.26
Canadian	1.26	Marshall	1.26
Carter	1.26	Mayes	1.25
Cherokee	1.26	Murray	1.26
Choctaw	1.26	Muskogee	1.26
Cimarron	1.21	Noble	1.26
Cleveland	1.26	Nowata	1.27
Coal	1.26	Okfuskee	1.26
Comanche	1.26	Oklahoma	1.26
Cotton	1.26	Okmulgee	1.26
Craig	1.27	Osage	1.25
Creek	1.26	Ottawa	1.26
Custer	1.26	Pawnee	1.26
Delaware	1.26	Payne	1.26
Dewey	1.26	Pittsburg	1.26
Ellis	1.24	Pontotoc	1.26
Garfield	1.26	Pottawatomie	1.26
Garvin	1.26	Pushmataha	1.26
Grady	1.26	Roger Mills	1.25
Grant	1.25	Rogers	1.25
Greer	1.26	Seminole	1.26
Harmon	1.26	Sequoyah	1.26
Harper	1.24	Stephens	1.26
Haskell	1.26	Texas	1.23
Hughes	1.26	Tillman	1.26
Jackson	1.26	Tulsa	1.25
Jefferson	1.26	Wagoner	1.25
Johnson	1.26	Washington	1.26
Kay	1.25	Washita	1.26
Kingfisher	1.26	Woods	1.24
Kiowa	1.26	Woodward	1.25
Latimer	1.26		

Oregon

County	Rate per bushel	County	Rate per bushel
Baker	$1.24	Lake	$1.25
Benton	1.29	Lane	1.23
Clackamas	1.30	Lincoln	1.18
Clatsop	1.24	Linn	1.28
Columbia	1.26	Malheur	1.15
Coos	1.13	Marion	1.31
Crook	1.27	Morrow	1.29
Curry	1.15	Multnomah	1.31
Deschutes	1.27	Polk	1.30
Douglas	1.17	Sherman	1.32
Gilliam	1.30	Tillamook	1.32
Grant	1.29	Umatilla	1.28
Harney	1.11	Union	1.25
Hood River	1.33	Wallowa	1.23
Jackson	1.17	Wasco	1.33
Jefferson	1.30	Washington	1.32
Josephine	1.17	Wheeler	1.29
Klamath	1.25	Yamhill	1.31

Pennsylvania

Adams	$1.39	Lackawanna	$1.33
Allegheny	1.27	Lancaster	1.38
Armstrong	1.25	Lawrence	1.27
Beaver	1.24	Lebanon	1.36
Bedford	1.30	Lehigh	1.39
Berks	1.38	Luzerne	1.34
Blair	1.29	Lycoming	1.31
Bradford	1.30	McKean	1.29
Bucks	1.40	Mercer	1.24
Butler	1.26	Mifflin	1.32
Cambria	1.28	Monroe	1.36
Carbon	1.36	Montgomery	1.40
Centre	1.30	Montour	1.33
Chester	1.40	Northampton	1.38
Clarion	1.26	Northumberland	1.33
Clearfield	1.29	Perry	1.35
Clinton	1.31	Pike	1.33
Columbia	1.38	Potter	1.28
Crawford	1.24	Schuylkill	1.35
Cumberland	1.36	Snyder	1.33
Dauphin	1.35	Somerset	1.29
Delaware	1.41	Sullivan	1.35
Elk	1.29	Susquehanna	1.34
Erie	1.24	Tioga	1.31
Fayette	1.29	Union	1.33
Forest	1.26	Venango	1.24
Franklin	1.36	Warren	1.24
Fulton	1.33	Washington	1.24
Greene	1.27	Wayne	1.33
Huntingdon	1.31	Westmoreland	1.26
Indiana	1.28	Wyoming	1.35
Jefferson	1.28	York	1.38
Juniata	1.32		

Rhode Island

All counties	$1.36

South Carolina

All counties	$1.33

South Dakota

County	Rate per bushel	County	Rate per bushel
Aurora	$1.30	Douglas	$1.29
Beadle	1.33	Edmunds	1.31
Bennett	1.18	Fall River	1.11
Bon Homme	1.31	Faulk	1.32
Brookings	1.36	Grant	1.38
Brown	1.33	Gregory	1.25
Brule	1.30	Haakon	1.26
Buffalo	1.31	Hamlin	1.36
Butte	1.20	Hand	1.32
Campbell	1.27	Hanson	1.31
Charles Mix	1.29	Harding	1.19
Clark	1.35	Hughes	1.30
Clay	1.32	Hutchinson	1.30
Codington	1.36	Hyde	1.31
Corson	1.23	Jackson	1.26
Custer	1.14	Jerauld	1.31
Davison	1.31	Jones	1.29
Day	1.35	Kingsbury	1.35
Deuel	1.38	Lake	1.34
Dewey	1.23	Lawrence	1.20

South Dakota—Continued

County	Rate per bushel	County	Rate per bushel
Lincoln	$1.32	Sanborn	$1.31
Lyman	1.30	Shannon	1.17
McCook	1.31	Spink	1.34
McPherson	1.29	Stanley	1.30
Marshall	1.34	Sully	1.31
Meade	1.20	Todd	1.23
Mellette	1.23	Tripp	1.24
Miner	1.32	Turner	1.31
Minnehaha	1.33	Union	1.32
Moody	1.36	Walworth	1.29
Pennington	1.23	Washabaugh	1.26
Perkins	1.21	Yankton	1.29
Potter	1.31	Ziebach	1.22
Roberts	1.37		

Tennessee

Anderson	$1.33	Lauderdale	$1.25
Bedford	1.30	Lawrence	1.29
Benton	1.27	Lewis	1.29
Bledsoe	1.31	Lincoln	1.31
Blount	1.34	Loudon	1.33
Bradley	1.33	McMinn	1.33
Campbell	1.33	McNairy	1.26
Cannon	1.29	Macon	1.28
Carroll	1.26	Madison	1.25
Carter	1.36	Marion	1.31
Cheatham	1.28	Marshall	1.30
Chester	1.26	Maury	1.29
Claiborne	1.35	Meigs	1.32
Clay	1.29	Monroe	1.34
Cocke	1.34	Montgomery	1.27
Coffee	1.30	Moore	1.30
Crockett	1.25	Morgan	1.32
Cumberland	1.31	Obion	1.25
Davidson	1.28	Overton	1.30
Decatur	1.27	Perry	1.28
De Kalb	1.29	Pickett	1.30
Dickson	1.28	Polk	1.34
Dyer	1.25	Putnam	1.30
Fayette	1.25	Rhea	1.32
Fentress	1.31	Roane	1.32
Franklin	1.31	Robertson	1.27
Gibson	1.25	Rutherford	1.29
Giles	1.30	Scott	1.32
Grainger	1.34	Sequatchie	1.31
Greene	1.35	Sevier	1.34
Grundy	1.30	Shelby	1.25
Hamblen	1.35	Smith	1.29
Hamilton	1.32	Stewart	1.27
Hancock	1.36	Sullivan	1.37
Hardeman	1.26	Sumner	1.27
Hardin	1.27	Tipton	1.25
Hawkins	1.37	Trousdale	1.28
Haywood	1.25	Unicoi	1.35
Henderson	1.27	Union	1.34
Henry	1.26	Van Buren	1.30
Hickman	1.28	Warren	1.30
Houston	1.27	Washington	1.36
Humphreys	1.27	Wayne	1.28
Jackson	1.29	Weakley	1.25
Jefferson	1.34	White	1.30
Johnson	1.36	Williamson	1.29
Knox	1.34	Wilson	1.28
Lake	1.25		

Texas

Andrews	$1.25	Brown	$1.35
Archer	1.26	Burleson	1.42
Armstrong	1.26	Burnet	1.35
Atascosa	1.37	Caldwell	1.39
Bailey	1.26	Calhoun	1.39
Bandera	1.35	Callahan	1.26
Bastrop	1.39	Carson	1.26
Baylor	1.26	Castro	1.26
Bee	1.37	Chambers	1.45
Bell	1.39	Cherokee	1.40
Bexar	1.39	Childress	1.26
Blanco	1.38	Clay	1.28
Borden	1.26	Cochran	1.26
Bosque	1.37	Coke	1.26
Bowie	1.30	Coleman	1.32
Briscoe	1.26	Collin	1.35

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Collingsworth	$1.26	Lampasas	$1.35
Comal	1.39	Limestone	1.39
Comanche	1.29	Lipscomb	1.24
Concho	1.35	Live Oak	1.37
Cooke	1.30	Llano	1.35
Coryell	1.35	Loving	1.19
Cottle	1.26	Lubbock	1.26
Crosby	1.26	Lynn	1.26
Culberson	1.18	McCulloch	1.35
Dallam	1.23	McLennan	1.39
Dallas	1.35	Martin	1.25
Dawson	1.26	Mason	1.35
Deaf Smith	1.26	Maverick	1.24
Delta	1.32	Medina	1.37
Denton	1.35	Menard	1.35
De Witt	1.39	Midland	1.24
Dickens	1.26	Milam	1.41
Dimmit	1.28	Mills	1.35
Donley	1.26	Mitchell	1.26
Eastland	1.27	Montague	1.30
Edwards	1.26	Moore	1.24
Ellis	1.37	Motley	1.26
El Paso	1.16	Navarro	1.37
Erath	1.31	Nolan	1.26
Falls	1.39	Ochiltree	1.24
Fannin	1.30	Oldham	1.26
Fisher	1.26	Palo Pinto	1.30
Floyd	1.26	Parker	1.34
Foard	1.26	Parmer	1.26
Gaines	1.26	Pecos	1.19
Galveston	1.56	Potter	1.26
Garza	1.26	Presidio	1.17
Gillespie	1.34	Randall	1.26
Glasscock	1.26	Real	1.31
Goliad	1.39	Reeves	1.19
Gray	1.26	Refugio	1.37
Grayson	1.30	Roberts	1.25
Guadalupe	1.39	Robertson	1.39
Hale	1.26	Rockwall	1.35
Hall	1.26	Runnels	1.30
Hamilton	1.32	San Saba	1.35
Hansford	1.24	Schleicher	1.24
Hardeman	1.26	Scurry	1.26
Harris	1.55	Shackelford	1.26
Hartley	1.24	Sherman	1.23
Haskell	1.26	Somervell	1.34
Hays	1.39	Stephens	1.30
Hemphill	1.24	Sterling	1.26
Hill	1.38	Stonewall	1.26
Hockley	1.26	Sutton	1.22
Hood	1.34	Swisher	1.26
Howard	1.26	Tarrant	1.36
Hudspeth	1.17	Taylor	1.28
Hunt	1.34	Terry	1.26
Hutchinson	1.24	Throckmorton	1.28
Irion	1.23	Tom Green	1.26
Jack	1.30	Travis	1.39
Jackson	1.43	Uvalde	1.31
Jeff Davis	1.17	Van Zandt	1.35
Johnson	1.37	Victoria	1.39
Jones	1.26	Waller	1.53
Karnes	1.37	Ward	1.21
Kaufman	1.36	Wharton	1.51
Kendall	1.35	Wheeler	1.26
Kent	1.26	Wichita	1.26
Kerr	1.33	Wilbarger	1.26
Kimble	1.35	Williamson	1.39
King	1.26	Wilson	1.37
Kinney	1.27	Wise	1.32
Knox	1.26	Yoakum	1.26
Lamar	1.30	Young	1.30
Lamb	1.26	Zavala	1.28

UTAH

County	Rate per bushel	County	Rate per bushel
Beaver	$1.16	Iron	$1.14
Box Elder	1.16	Juab	1.16
Cache	1.16	Kane	.95
Carbon	.95	Millard	1.16
Daggett	.94	Morgan	1.17
Davis	1.18	Piute	.95
Duchesne	1.01	Rich	1.08
Emery	.95	Salt Lake	1.18
Garfield	.95	San Juan	.95
Grand	.95	Sanpete	.95

UTAH—Continued

County	Rate per bushel	County	Rate per bushel
Sevier	$ .95	Wasatch	$1.04
Summit	1.17	Washington	1.14
Tooele	1.18	Wayne	.95
Uintah	.97	Weber	1.18
Utah	1.18		

VERMONT

All counties	$1.34

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	$1.35	Loudoun	$1.34
Albermarle	1.34	Louisa	1.34
Alleghany	1.32	Lunenburg	1.35
Amelia	1.35	Madison	1.34
Amherst	1.34	Mathews	1.35
Appomattox	1.35	Mecklenburg	1.34
Arlington	1.34	Middlesex	1.35
Augusta	1.34	Montgomery	1.32
Bath	1.32	Nansemond	1.34
Bedford	1.34	Nelson	1.34
Bland	1.32	New Kent	1.35
Botetourt	1.33	Newport News	1.35
Brunswick	1.34	Northampton	1.35
Buchanan	1.32	Northumberland	1.35
Buckingham	1.35	Nottaway	1.35
Campbell	1.34	Orange	1.34
Caroline	1.35	Page	1.34
Carroll	1.33	Patrick	1.33
Charles City	1.35	Pittsylvania	1.34
Charlotte	1.35	Powhatan	1.35
Chesapeake	1.34	Prince Edward	1.35
Chesterfield	1.35	Prince George	1.35
Clarke	1.34	Prince William	1.34
Craig	1.32	Pulaski	1.33
Culpeper	1.34	Rappahannock	1.34
Cumberland	1.35	Richmond	1.35
Dickenson	1.32	Roanoke	1.33
Dinwiddie	1.35	Rockbridge	1.34
Essex	1.35	Rockingham	1.34
Fairfax	1.34	Russell	1.33
Fauquier	1.34	Scott	1.33
Floyd	1.33	Shenandoah	1.34
Fluvanna	1.34	Smyth	1.33
Franklin	1.33	Southampton	1.34
Frederick	1.34	Spotsylvania	1.35
Giles	1.32	Stafford	1.35
Gloucester	1.35	Surry	1.34
Goochland	1.35	Sussex	1.34
Grayson	1.33	Tazewell	1.32
Greene	1.34	Virginia Beach	1.34
Greensville	1.34	Warren	1.34
Halifax	1.34	Washington	1.33
Hampton	1.35	Westmoreland	1.35
Hanover	1.35	Wise	1.33
Henrico	1.35	Wythe	1.33
Henry	1.33	York	1.35
Highland	1.32		
Isle of Wight	1.34		
James City	1.35		
King and Queen	1.35		
King George	1.35		
King William	1.35		
Lancaster	1.35		
Lee	1.33		

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.27	Kittitas	$1.32
Asotin	1.24	Klickitat	1.32
Benton	1.29	Lewis	1.24
Chelan	1.28	Lincoln	1.26
Clallam	1.15	Mason	1.23
Clark	1.32	Okanogon	1.26
Columbia	1.28	Pacific	1.23
Cowlitz	1.28	Pend Oreille	1.19
Douglas	1.26	Pierce	1.30
Ferry	1.22	San Juan	1.26
Franklin	1.28	Skagit	1.26
Garfield	1.28	Skamania	1.32
Grant	1.27	Snohomish	1.28
Grays Harbor	1.23	Spokane	1.24
Island	1.26	Stevens	1.20
Jefferson	1.17	Thruston	1.25
King	1.30	Wahkiakum	1.28
Kitsap	1.21	Walla Walla	1.28

WASHINGTON—Continued

County	Rate per bushel	County	Rate per bushel
Whatcom	$1.25	Yakima	$1.31
Whitman	1.26		

WEST VIRGINIA

County	Rate per bushel	County	Rate per bushel
Barbour	$1.29	Mineral	$1.31
Berkeley	1.33	Mingo	1.28
Boone	1.28	Monongalia	1.27
Braxton	1.28	Monroe	1.31
Brooke	1.26	Morgan	1.32
Cabell	1.26	Nicholas	1.30
Calhoun	1.27	Ohio	1.26
Clay	1.28	Pendleton	1.32
Doddridge	1.26	Pleasants	1.25
Fayette	1.30	Pocahontas	1.32
Gilmer	1.27	Preston	1.29
Grant	1.31	Putnam	1.26
Greenbrier	1.32	Raleigh	1.29
Hampshire	1.32	Randolph	1.31
Hancock	1.26	Ritchie	1.26
Hardy	1.32	Roane	1.26
Harrison	1.28	Summers	1.32
Jackson	1.25	Taylor	1.29
Jefferson	1.34	Tucker	1.31
Kanawha	1.27	Tyler	1.25
Lewis	1.28	Upshur	1.29
Lincoln	1.27	Wayne	1.27
Logan	1.28	Webster	1.30
McDowell	1.30	Wetzel	1.26
Marion	1.27	Wirt	1.26
Marshall	1.26	Wood	1.25
Mason	1.26	Wyoming	1.29
Mercer	1.31		

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.28	Marathon	$1.33
Ashland	1.41	Marinette	1.24
Barron	1.39	Marquette	1.27
Bayfield	1.35	Menomonie	1.28
Brown	1.25	Milwaukee	1.31
Buffalo	1.35	Monroe	1.30
Burnett	1.43	Oconto	1.23
Calumet	1.26	Oneida	1.27
Chippewa	1.39	Outagamie	1.25
Clark	1.36	Ozuakee	1.30
Columbia	1.27	Pepin	1.36
Crawford	1.29	Pierce	1.38
Dane	1.28	Polk	1.42
Dodge	1.28	Portage	1.33
Door	1.19	Price	1.38
Douglas	1.44	Racine	1.32
Dunn	1.39	Richland	1.26
Eau Claire	1.36	Rock	1.31
Florence	1.24	Rusk	1.40
Fond du Lac	1.27	St. Croix	1.39
Forest	1.31	Sauk	1.27
Grant	1.24	Sawyer	1.37
Green	1.29	Shawano	1.28
Green Lake	1.26	Sheboygan	1.28
Iowa	1.26	Taylor	1.38
Iron	1.36	Trempeleau	1.33
Jackson	1.33	Vernon	1.30
Jefferson	1.29	Vilas	1.25
Juneau	1.29	Walworth	1.31
Kenosha	1.32	Washburn	1.37
Kewaunee	1.22	Washington	1.30
LaCrosse	1.31	Waukesha	1.30
Lafayette	1.26	Waupaca	1.28
Langlade	1.27	Waushara	1.26
Lincoln	1.27	Winnebago	1.26
Manitowoc	1.26	Wood	1.36

WYOMING

County	Rate per bushel	County	Rate per bushel
Albany	$1.05	Natrona	$1.00
Big Horn	.99	Niobrara	1.10
Campbell	1.06	Park	.99
Carbon	.99	Platte	1.10
Converse	1.06	Sheridan	1.04
Crook	1.09	Sublette	.94
Fremont	.96	Sweetwater	.94
Goshen	1.10	Teton	1.10
Hot Springs	.97	Uinta	.97
Johnson	1.04	Washakie	.98
Laramie	1.10	Weston	1.09
Lincoln	.98		

(c) *Premiums and discounts.* The basic support rate shall be adjusted as applicable by premiums and discounts as follows (all footnotes at end of paragraph):

	Cents per bushel
(1) *Class premiums and discounts:*	
(i) *Premiums:*	
Hard Amber Durum (No. 3 or better) [1]	+5
(ii) *Discounts:*	
Durum	−5
Red Durum	−20
Mixed Wheat (mixtures of classes other than contrasting classes)	−2
Mixed Wheat (mixtures of contrasting classes)	−10
(2) *Grade premiums and discounts:*	
(i) *Premium:*	
Heavy, No. 3 or better [1]	+2
(ii) *Discounts:*	
No. 2	−1
No. 3	−3
No. 4	−6
No. 5	−9
Sample on one or more of the factors test weight, total damage (with not more than 3 percent heat damage), foreign material, and total defects (with not more than 3 percent heat damage), apply a discount of 14 cents. Add 1 cent for each pound or fraction thereof that test weight is below 50 pounds (49 pounds for Hard Red Spring and White Club) through 40 pounds and add 1 cent for each percent or fraction thereof that total defects are in excess of 21 percent. Total discount on these factors shall not exceed 30 cents per bushel if total defects are not in excess of 50 percent, or 45 cents per bushel if total defects are in excess of 50 percent.	
Smut—degree basis:	
Light Smutty	−2
Smutty	−6
Garlic—degree basis:	
Light Garlicky	−5
Garlicky	−10
(3) *Protein premiums.* Applicable to grade No. 5 or better, Hard Red Winter, Hard Red Spring, and Hard White Wheat of the varieties Baart, Bluestem, and Burt.[1]	

Protein content (percent)	*Cents per bushel*
12.0–12.4	+1½
12.5–12.9	+3
13.0–13.4	+4½
13.5–13.9	+6
14.0–14.4	+7½
14.5–14.9	+9
15.0–15.4	+10½
15.5–15.9	+12
16.0–16.4	+13½
16.5–16.9	+15
17.0–17.4	+16½
17.5 and above	+18
(4) *Variety discount*	−20

[1] Not applicable to the undesirable varieties listed in subparagraph (4).
[2] Except in Idaho and Utah.
[3] Including white seeded Red Chief.
[4] When grown east of Continental Divide.
[5] When grown in Colorado, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

The following varieties referred to in these regulations as "undesirable varieties" are subject to the discount:

Hard Red Winter:	Pitic 62.
Blue Jacket.	Spinkcota.
Cache.[2]	Red River 68.[3]
Purkof.	White:
Red Chief.[3]	Florence.
Stafford.	Gaines.[4]
Yogo.	Rex.
Hard Red Spring:	Soft Red Winter:
Henry.	Nured.
Kinney.	

(5) Weed control discount (where required by § 421.74)	10
(6) Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of wheat, such as (but not limited to) moisture, weevily, ergoty, stones, musty, sour and heating. Such discounts will be established not later than the time delivery of wheat to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices.	

NOTE: Premiums and discounts are cumulative except only one grade discount shall be applied.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 27, 1969.

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

[F.R. Doc. 69-6518; Filed, June 3, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 22,853]

PART 545—OPERATIONS

Membership Fees

MAY 26, 1969.

Resolved, that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending paragraph (c) of § 545.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1) (1) to permit Federal savings and loan associations to adjust the payment of interest on deposits and (2) to delete from said paragraph (c) an obsolete cross reference, hereby revises said paragraph (c) to read as follows, effective June 1, 1969:

§ 545.1 Savings accounts.

* * * * *

(c) *Membership fee.* Except to the extent expressly permitted or authorized by § 545.1–4 or § 545.3–1, or paragraph (d) of this section, no Federal association shall directly or indirectly charge any membership, admission, repurchase, withdrawal, or any other fee or sum of money for the privilege of becoming, remaining, or ceasing to be a holder of a savings account of such Federal association.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948, Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(b); and publication of said amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553 (d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason, and the Board hereby so finds; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-6553; Filed, June 3, 1969; 8:47 a.m.]

[No. 22,854]

PART 545—OPERATIONS

Distribution of Earnings on Bases, Terms, and Conditions Other Than Those Provided by Charter

MAY 26, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of revising paragraph (b) of § 545.1–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1–1) to permit Federal associations to distribute earnings quarterly on designated classes of accounts, hereby revises said paragraph (b) to read as follows, effective June 1, 1969:

§ 545.1–1 Distribution of earnings on bases, terms and conditions other than those provided by charter.

* * * * *

(b) *Quarterly.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, distribute earnings on savings accounts, or designated classes thereof, as of March 31, June 30, September 30, and December 31 of each year, or as of the last business day of each March, June, September, and December, after providing as of March 31 and September 30 for the payment of expenses, and for the pro rata portion of credits to reserves required by section 10 of Charter N or Charter K (rev.) for the 6-month period ending on June 30 and December 31, respectively, next succeeding.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interests under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(b).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–6555; Filed, June 3, 1969; 8:47 a.m.]

[No. 22855]

PART 545—OPERATIONS

Savings Deposits and Payment of Earnings

MAY 26, 1969.

Resolved that, notice and public procedure having been duly afforded (34 F.R. 6542) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to implement section 5(b) of the Home Owners' Loan Act of 1933, as amended by Public Law 90–448, 82 Stat. 476, approved August 1, 1968, by amending Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) (1) to authorize Federal savings and loan associations which have adopted the charter amendment providing for the acceptance of savings deposits to accept savings deposits for fixed periods of time and to pay interest on all savings deposits and (2) to authorize all Federal savings and loan associations to pay earnings on a "split rate" basis on a single account. Accordingly, said Part 545 is hereby amended, as follows, effective June 1, 1969:

1. Paragraph (b) of § 545.1–2 is amended by revising subparagraph (1) thereof and by adding, immediately after subparagraph (3) thereof, a new subparagraph (4), said subparagraphs to read as follows:

§ 545.1–2 Savings deposits.

* * * * *

(b) *Savings deposits.*

(1) *General.* A deposit association may raise capital in the form of such savings desposits as are authorized by this section. Except as otherwise authorized by the Board, a deposit association shall not accept savings accounts other than such savings deposits, but savings accounts existing in such association at the time when it becomes a deposit association shall remain such savings accounts unless and until they are exchanged for such savings deposits. In the case of savings accounts exchanged for savings deposits on a date other than the date on which the association regularly distributes earnings on its savings accounts, such exchange shall be deemed to have taken place on the immediately preceding regular dividend distribution date. Any right outstanding at the time when an association becomes a deposit association to receive from the association in an exchange a savings account shall thereafter be a right to receive, at the option of the holder of such right, either a savings account or a corresponding savings deposit. Any exchange under this subparagraph (1) may be effected in such manner as the Board may prescribe.

* * * * *

(4) *Payment of interest.* Interest on savings deposits authorized by this section shall be paid semiannually on June 30 and December 31 of each year at the rate fixed by the board of directors of the association as provided herein. The board of directors of the association shall fix the interest rate on such savings deposits in June and December of each year for the semiannual periods beginning on the immediately following July 1 and January 1. If the board of directors of an association adopts a resolution providing for the payment of interest on savings deposits, or designated classes thereof, on a quarterly basis, interest on such deposits shall also be paid on March 31 and September 30. The board of directors shall fix the interest rate on such savings deposits for each quarterly period during the month immediately preceding such quarterly period. The board of directors of the association may provide for the payment of interest on savings deposits authorized by this section on the same bases, terms, and conditions, as is provided for the distribution of earnings on savings accounts by § 545.1–1.

2. By adding, immediately after § 545.1–3, a new section, § 545.1–4, to read as follows:

§ 545.1–4 Other savings deposits.

(a) *General.* In addition to the savings deposits authorized by § 545.1–2, any Federal association which has a charter in the form of Charter N or Charter K (rev.) and which has adopted the charter provision set forth in § 545.1–3 may, subject to the provisions of this section, accept savings deposits for fixed periods of time and bearing fixed rates of interest. Holders of savings deposits authorized by this section shall, to the same extent as if their holdings of such savings deposits were holdings of savings accounts authorized by and subject to the provisions of the association's charter other than the charter provision set forth in § 545.1–3 and the provisions of this subchapter other than this section, be members of the association and have voting rights.

(b) *Payment of interest.* Interest on savings deposits authorized by this section shall be paid at the rate fixed by the board of directors of the association prior to the acceptance of the deposit. The board of directors of the association shall provide that interest on such savings deposits, or designated classes thereof, shall be paid either quarterly, semiannually, annually, or at the conclusion of the fixed term. The board of directors of the association may provide for the payment of interest on savings deposits authorized by this section on the same bases, terms, and conditions as is provided for the distribution of earnings on savings accounts by § 545.1–1.

(c) *Limitations.* In accepting savings deposits under the authority contained in paragraph (a) of this section, no Federal association shall:

(1) Provide for the payment of interest on any savings deposit in excess of the applicable maximum rate of return prescribed in Part 526 of Subchapter B of this Chapter V;

(2) Provide for any forfeiture for breach of condition on the part of any depositor, other than loss of interest, or partial loss thereof, for the term of the savings deposit or other specified time period;

(3) Issue any negotiable form of certificate evidencing a savings deposit;

(4) Deny any member the opportunity to make any savings deposit at the same rate offered to any other member at that time on the same classification of savings deposit;

(5) Accept any fixed term savings deposit for a term of less than 180 days or more than 5 years or in an amount less than $1,000: *Provided,* That any savings deposit may be renewed, at the option of the association, for successive periods not exceeding 5 years for each renewal;

(6) Issue any fixed term savings deposit which is subject to redemption;

(7) Provide for withdrawal from any fixed term savings deposit prior to the expiration of that term, except as provided in paragraph (f) of this section; or

(8) Issue any form of certificate evidencing a savings deposit under this section unless the association has first (i) obtained a written opinion by its legal

counsel that such form of certificate complies with the requirements of applicable law and regulations and the association's charter, which opinion shall be retained by the association so long as it continues to issue certificates in such form, and (ii) submitted a copy of such form of certificate, together with a copy of such legal opinion, to the Federal Savings and Loan Insurance Corporation.

(d) *Form of certificate.* Certificates evidencing savings deposits accepted pursuant to the authority contained in this section shall, subject to the limitations contained in paragraph (c) of this section and the disclosure requirements contained in paragraph (e) of this section, be in such form as the board of directors of the association may determine. Such certificates may be incorporated in passbooks or issued as separate certificates.

(e) *Disclosure.* Each certificate evidencing a savings deposit accepted pursuant to the authority contained in this section shall include in its provisions and display in easily read type:

(1) The rate of interest to be paid and the dates or frequency at which interest is payable;

(2) The amount of the deposit;

(3) The term of the deposit;

(4) The penalty or penalties imposed for withdrawal prior to completion of the fixed term or renewal;

(5) Any provisions relating to renewal at the conclusion of the fixed term;

(6) Any provisions relating to the interest to be paid after the conclusion of a fixed term or renewal; and

(7) A provision converting the deposit at the conclusion of a fixed term or renewal to the status of a savings deposit accepted for an indefinite period of time.

(f) *Withdrawal prior to expiration of term.* In an emergency where it is necessary to prevent great hardship to the holder of a fixed term savings deposit, a Federal association may pay, prior to the expiration of the term, such savings deposit or the portion thereof necessary to meet such emergency: *Provided,* That before such payment may be made, the depositor must sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be (1) approved by an officer of the association who shall certify that, to the best of his knowledge and belief, the statements in such application are true and (2) retained by the association for a period of not less than 2 years. In the event of an emergency withdrawal as provided in this paragraph, the depositor shall forfeit accrued and unpaid interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit 3 months or more, and the depositor shall forfeit all accrued and unpaid interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than 3 months. In the case of emergency withdrawal of only a portion of any such savings deposit, the certificate evidencing such savings deposit shall be canceled, and, if the minimum balance requirements of this section continue to be met, a new certificate shall be issued for the remaining portion of the savings deposit with the same term, rate, and dates as the original savings deposit.

3. By revising paragraph (a) of § 545.3–1, by revising paragraph (b) of § 545.3–1 by the addition of a reference to subparagraph (4) in the first sentence of said paragraph (b) and by adding a new subparagraph (4) to paragraph (b), said paragraphs and subparagraph to read as follows:

§ 545.3–1 Distribution of earnings at variable rates.

(a) *General.* Subject to the provisions of this section, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.), after having determined the rate at which earnings will be distributed on its savings accounts for the dividend period, hereinafter referred to as the regular rate, may provide for the distribution of earnings for that dividend period (1) on savings accounts which are withdrawn during the dividend period, and on which dividends are paid to the date of withdrawal, at a rate lower than the regular rate and (2) on savings accounts which meet eligible requirements fixed by the board of directors pursuant to paragraph (b) of this section and such additional requirements as the board of directors may impose, at a rate or rates higher than the regular rate.

(b) *Eligibility requirements.* The board of directors may, by resolution, provide for the distribution of earnings at a rate or rates higher than the regular rate only on savings accounts which meet the minimum requirements fixed by the board of directors pursuant to subparagraphs (1), (2), (3), and (4) of this paragraph and such additional requirements as the board of directors may impose, except that the board of directors shall not authorize the issuance of accounts evidenced by notice-account books pursuant to subparagraph (2) of this paragraph unless the association's charter contains the sentence specified in paragraph (b) of § 544.8 of this subchapter or the charter provision set forth in paragraph (a) of § 545.1–3.

* * * * *

(4) *Split rates*—(i) *General.* For any dividend period for which the regular rate is less than the applicable maximum rate of return prescribed for regular accounts in Part 526 of Subchapter B of this Chapter V, the board of directors may, by resolution, determine to distribute earnings at a rate higher than the regular rate on the balance of any account in excess of such minimum balance as shall be fixed by the board of directors, which minimum balance shall not be less than $200, and at a rate or rates in excess of such higher rate on such higher balance or balances as the board of directors may prescribe, but no rate so determined shall be in excess of the applicable maximum rate of return prescribed for regular accounts in said Part 526.

(ii) *Account books and certificates.* Each certificate, whether printed in an account book or as a separate certificate, evidencing an account issued pursuant to this subparagraph (4) shall be in the form prescribed by the Board pursuant to paragraph (b) of § 545.2 and shall bear on its face the following additional words:

Earnings are distributable on this account as determined by the board of directors of the association, subject to § 545.3–1(b)(4) of the rules and regulations for the Federal Savings and Loan System.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–6554; Filed, June 3, 1969; 8:47 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 22,856]

PART 563—OPERATIONS

Approval of Certificate Forms

MAY 26, 1969.

Resolved that, notice and public procedure having been duly afforded (34 F.R. 6543) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) for the following purposes:

(1) To revise § 563.1 to provide that any State-chartered insured institution may issue any certificate form: *Provided,* That it has first submitted a copy of such form to the Corporation for approval; that no insured institution shall issue any form of certificate which has been disapproved in writing by the Corporation; that any insured institution may adopt a charter or bylaw amendment affecting its securities or investment contracts without prior approval of the Corporation but that any such amendment must be transmitted to the Corporation promptly after adoption; and that the Corporation reserves the right to require appropriate changes in charter, bylaw and certificate form provisions;

(2) To amend § 563.2 by eliminating the requirement that the "simple form of certificate" be approved by the Corporation;

(3) To add a new § 563.3–1 relating to the issuance by State-chartered insured institutions of certificates evidencing accounts bearing a definite rate of return for fixed periods of time; and

(4) To enlarge the provisions of § 563.7–1 to cover approval of savings deposits

accepted by Federal savings and loan associations with a definite return and a definite maturity.

Accordingly, said Part 563 is hereby amended, as follows, effective June 1, 1969:

1. By revising § 563.1 to read as follows:

§ 563.1 Forms of certificates and passbooks; submission of forms of investment contracts and bylaws; furnishing members with copy of charter and bylaws.

At the time of the application for insurance, every applicant (except a Federal savings and loan association) shall submit to the Corporation for approval copies of all savings account, share, membership, stock and deposit certificates, passbooks, and other forms of investment contracts proposed to be issued by the applicant as an insured institution; it shall also submit for such approval its charter, constitution, and bylaws, and all amendments thereto, affecting its securities and investment contracts. No insured institution (except a Federal savings and loan association) shall issue any form of savings accounts, share, stock, membership or deposit certificates, passbooks, or other investment contract which has not been submitted to the Corporation for approval. No insured institution shall issue any such form which has been disapproved in writing by the Corporation. Any insured institution which amends its charter, constitution, or bylaws affecting its securities or investment contracts shall promptly transmit such amendments to the Corporation for approval. Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, either as to time or amount in the event of liquidation, over any other class of insured account; *Provided*, That where there may be a change from one type of account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change. Each insured institution shall cause a true copy of its charter and bylaws and all amendments thereto to be available to members at all times in each office of the institution, and shall upon request deliver to any member a copy of such charter, constitution, bylaws, and amendments.

2. By revising § 563.2 to read as follows:

§ 563.2 Simple form of certificate; passbooks.

An insured mutual institution which, in accordance with State law, includes in its charter, constitution, or bylaws a clear provision that all shareholders are members and shall share equally in earnings and in assets (except for bonus payments under a bonus plan) pro rata to paid-in value, plus credited dividends, and that the institution shall not directly or indirectly charge any membership, admission, repurchase, withdrawal, or any other fee or sum of money for the privilege of becoming, remaining, or ceasing to be a member of the institution, may issue a simple form of savings or investment certificate or a passbook, which need not contain any membership certificate or any statement of the dividend, withdrawal, or other rights of members.

3. By adding, immediately after § 563.3, a new § 563.3–1 to read as follows:

§ 563.3–1 Fixed-rate, fixed-term accounts.

(a) *General approval.* A State-chartered institution which, in accordance with State law, may accept accounts bearing a definite rate of return for fixed periods of time (hereinafter referred to as "fixed-rate, fixed-term accounts") and whose board of directors has adopted a resolution providing for the issuance of such fixed-rate fixed-term accounts may, subject to the limitations contained in paragraph (b) of this section and to the disclosure provisions contained in paragraph (c) of this section, issue certificates evidencing such fixed-rate, fixed-term accounts in such form as the board of directors of the institution may determine.

(b) *Limitations.* In issuing certificates evidencing fixed-rate, fixed-term accounts pursuant to the approval contained in paragraph (a) of this section, no insured institution shall:

(1) Provide for the payment of interest on any fixed-rate, fixed-term account in excess of the applicable maximum rate of return prescribed in Part 569 of this subchapter;

(2) Provide for any forfeiture for breach of condition on the part of any holder, other than loss of interest, or partial loss thereof, for the term of the fixed-rate, fixed-term account or other specified time period;

(3) Issue any negotiable form of certificate evidencing a fixed-rate, fixed-term account.

(4) Deny any member the opportunity to invest at the same rate offered to any other member at that time on the same classification of fixed-rate, fixed-term account;

(5) Accept any fixed-rate, fixed-term account for a term of less than 180 days or more than 5 years or in an amount less than 1,000: *Provided*, That any fixed-rate, fixed-term account may be renewed, at the option of the institution, for successive periods not exceeding 5 years for each renewal;

(6) Provide for withdrawal from any fixed-rate, fixed-term account prior to the expiration of the fixed term, except as provided in paragraph (d) of this section;

(7) Issue any fixed-rate, fixed-term account which is subject to redemption; or

(8) Issue any form of certificate evidencing a fixed-rate, fixed-term account unless the institution has first (i) obtained a written opinion by its legal counsel that such form of certificate complies with the requirements of applicable law and regulations and the institution's charter, constitution and bylaws, which opinion shall be retained by the institution so long as it continues to issue certificates in such form, and (ii) submitted a copy of such form of certificate, together with a copy of such legal opinion, to the Federal Savings and Loan Insurance Corporation.

(c) *Disclosure.* Each certificate evidencing a fixed-rate, fixed-term account accepted pursuant to the approval contained in paragraph (a) of this section shall include in its provisions and display in easily read type:

(1) The rate of interest to be paid and the dates or frequency at which interest is payable;

(2) The amount of the fixed-rate, fixed-term account;

(3) The term of the fixed-rate, fixed-term account;

(4) The penalty or penalties imposed for withdrawal prior to completion of the fixed term or renewal;

(5) Any provisions relating to renewal at the conclusion of the fixed term;

(6) Any provisions relating to the interest to be paid after the conclusion of a fixed term or renewal; and

(7) A provision converting the fixed-rate, fixed-term account at the conclusion of a fixed term or renewal to the status of an account accepted for an indefinite period of time.

(d) *Withdrawal prior to expiration of term.* A certificate issued by an insured institution may provide that, in an emergency where it is necessary to prevent great hardship to the holder of a fixed-rate, fixed-term account, the institution may pay, prior to the expiration of the term, such fixed-rate, fixed-term account or the portion thereof necessary to meet such emergency: *Provided*, That before such payment may be made, the holder must sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be (1) approved by an officer of the institution who shall certify that, to the best of his knowledge and belief, the statements in such application are true and (2) retained by the institution for a period of not less than 2 years; and that, in the event of emergency withdrawal as provided in this paragraph, the holder shall forfeit accrued and unpaid interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit 3 months or more, and the holder shall forfeit all accrued and unpaid interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than 3 months. In the case of emergency withdrawal of only a portion of any such fixed-rate, fixed-term account, the certificate evidencing such fixed-rate, fixed-term account shall be canceled, and, if the minimum balance requirements of this section continue to be met, a new certificate shall be issued for the remaining portion of the fixed-rate, fixed-term account with the same term, rate, and dates as the original fixed-rate, fixed-term account.

4. By amending § 563.7–1 to read as follows:

§ 563.7–1 Savings deposits or shares of Federal savings and loan associations.

Savings deposits or shares of any Federal savings and loan association which are in compliance with the provisions of paragraph (1) of subsection (b) of section 5 of the Home Owners' Loan Act of 1933, the association's charter, and the rules and regulations for the Federal Savings and Loan System (Subchapter C of this chapter), all as now or hereafter in effect, relating to the type, form, return, and maturity thereof are, as to type (as referred to in subdivision (c) of section 401 of the National Housing Act) and form, return, and maturity (as referred to in those parts of the third sentence of subsection (b) of section 403 of said Act, which refer to the form, return, and maturity of securities), hereby approved by the Corporation.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–6556; Filed, June 3, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–WE–26]

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

Alteration of Control Zone

On April 19, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6697) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Santa Monica, Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 24, 1969.

Issued in Los Angeles, Calif., on May 23, 1969.

LEE E. WARREN, *Acting Director, Western Region.*

In § 71.171 (34 F.R. 4557) the description of the Santa Monica, Calif., control zone is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69–6539; Filed, June 3, 1969; 8:46 a.m.]

[Airspace Docket No. 69–WE–27]

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

Alteration of Control Zone

On April 19, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6698) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Torrance, Calif., control zone.

Interested persons were afforded 30 days in which to submit comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 24, 1969.

Issued in Los Angeles, Calif., on May 23, 1969.

LEE E. WARREN, *Acting Director, Western Region.*

In § 71.171 (34 F.R. 4557) the description of the Torrance, Calif., control zone is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69–6540; Filed, June 3, 1969; 8:46 a.m.]

[Airspace Docket No. 69–CE–32]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Osceola, Wis.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the transition area at Osceola, Wis. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

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:

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

OSCEOLA, WIS.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Osceola Municipal Airport (latitude 45°18'40" N., longitude 92°41'30" W.); and within 3 miles each side of the 114° bearing from Osceola Municipal Airport, extending from the 6½-mile radius to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 114° and 294° bearings from Osceola Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport.

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

Issued in Kansas City, Mo., on May 16, 1969.

EDWARD C. MARSH, *Director, Central Region.*

[F.R. Doc. 69–6541; Filed, June 3, 1969; 8:41 a.m.]

[Airspace Docket No. 68–CE–105]

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

Designation of Transition Area; Correction

On May 7, 1969, a final rule was published in the FEDERAL REGISTER (34 F.R. 7372), F.R. Doc. 69–5418, which designated a transition area at West Bend, Wis. However, in line 6 of the designation the West Bend Municipal Airport was incorrectly referred to as the "Great Bend Municipal Airport". It should have read "West Bend Municipal Airport". Action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing "Great Bend Municipal Airport", as set forth in line 6 of the transition area designation in F.R. Doc. 69-5418, is deleted and "West Bend Municipal Airport" is substituted therefor.

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

Issued in Kansas City, Mo., on May 16, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-6542; Filed, June 3, 1969; 8:46 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 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Certain Cheeses, Identity Standards; Use of Additional Safe, Suitable Milk-Clotting Enzymes

In the matter of amending the standards of identity for brick cheese, muenster cheese, edam cheese, limburger cheese, monterey cheese, provolone cheese, caciocavallo siciliano cheese, parmesan cheese, mozzarella cheese, low moisture mozzarella cheese, romano cheese, asiago fresh cheese, hard cheeses, semisoft cheeses, semisoft part-skim cheeses, soft ripened cheeses, spiced cheeses, hard grating cheeses, and skim-milk cheese for manufacturing (21 CFR 19.545, 19.550, 19.555, 19.575, 19.580, 19.590, 19.591, 19.595, 19.600, 19.605, 19.610, 19.615, 19.650, 19.655, 19.660, 19.665, 19.670, 19.680, 19.685) to permit optional use of the milk-clotting enzyme derived from *Endothia parasitica*, as well as the presently provided for rennet, in cheesemaking:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of December 27, 1968 (33 F.R. 19846), based on a petition submitted by Charles Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017. The only comment received in response to the proposal favored its adoption.

In addition to the enzyme derived from *Endothia parasitica*, certain other enzymes from microbial sources, as well as the enzyme pepsin from swine, are recognized as safe and suitable for use in cheesemaking. The standards of identity for cheddar cheese, washed curd cheese, colby cheese, granular cheese, and swiss cheese (§§ 19.500, 19.505, 19.510, 19.535, 19.540) have previously been amended to permit the optional use of other safe and suitable milk-clotting enzymes that produce equivalent curd formation to partially or completely replace rennet. The proposal to list a specific milk-clotting enzyme for optional use in other sections of Part 19 is not consistent with the earlier provision for the use of "other safe and suitable milk-clotting enzymes." In the absence of a showing that such a specific listing is necessary, no basis has been established for rejection of the "safe and suitable" provision for optional milk-clotting enzymes to be used in cheesemaking.

Having considered the information submitted by the petitioner, the comment received, and other relevant material, the Commissioner of Food and Drugs concludes that it is reasonable and will promote honesty and fair dealing in the interest of consumers to amend the standards of identity for the above-listed cheese varieties to permit use of all safe and suitable milk-clotting enzymes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 19 be amended:

1. In § 19.545 *Brick cheese*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass."

2. In § 19.550 *Muenster cheese*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass."

3. In § 19.555 *Edam cheese*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass."

4. In § 19.575 *Limburger cheese*, the second sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass."

5. In § 19.580 *Monterey cheese*, the second sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass."

6. In § 19.590 *Provolone cheese*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

7. In § 19.591 *Caciocavallo siciliano cheese*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

8. In § 19.595 *Parmesan cheese*, the second sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass."

9. In § 19.600 *Mozzarella cheese*, the third sentence of paragraph (b) is revised to read "Liquid rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both may be added to aid in setting the milk to a semisolid mass."

10. In § 19.605 *Low moisture mozzarella cheese*, the third sentence of paragraph (b) is revised to read "Rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to aid in setting the milk to a semisolid mass."

11. In § 19.610 *Romano cheese*, the third sentence of paragraph (b) is revised to read "Rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to be a semisolid mass."

12. In § 19.615 *Asiago fresh cheese*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more

than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk, is added to set the milk to a semisolid mass."

13. In § 19.650 *Hard cheeses*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

14. In § 19.655 *Semisoft cheeses*, the second sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

15. In § 19.660 *Semisoft part-skim cheeses*, the second sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

16. In § 19.665 *Soft ripened cheeses*, the second sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

17. In § 19.670 *Spiced cheeses*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

18. In § 19.680 *Hard grating cheeses*, the second sentence of paragraph (b) is revised to read "Sufficient rennet, rennet paste, extract of rennet paste, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, singly or in any combination (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass."

19. In § 19.685 *Skim milk cheese for manufacturing*, the third sentence of paragraph (b) is revised to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the skim milk, is added to set the skim milk to a semisolid mass."

Due to cross-references, the amendments herein to the above cited cheese standards, upon becoming effective, will have the effect of making other safe and suitable milk-clotting enzymes, as well as rennet, permitted ingredients of brick cheese for manufacturing, muenster cheese for manufacturing, gouda cheese, high-moisture jack cheese, part-skim mozzarella cheese, low moisture part-skim mozzarella cheese, asiago medium cheese, asiago old cheese, and part-skim spiced cheeses (21 CFR 19.547, 19.551, 19.560, 19.585, 19.601, 19.606, 19.620, 19.625, 19.675).

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. 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, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date: This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6526; Filed, June 3, 1969; 8:45 a.m.]

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

Trifluralin

A petition (PP 9F0801) was filed with the Food and Drug Administration by the Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of a tolerance of 2 parts per million for residues of the plant regulator trifluralin in or on the raw agricultural commodity mung bean sprouts.

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

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120) § 120.207 is revised to read as follows to establish the above-mentioned tolerance:

§ 120.207 Trifluralin; tolerances for residues.

Tolerances for residues of the herbicide and plant regulator trifluralin (α,α,α - trifluoro - 2,6 - dinitro - *N*,*N* - dipropyl-*p*-toluidine) in or on raw agricultural commodities are established as follows:

2 parts per million in or on mung bean sprouts.

1 part per million in or on carrots.

0.2 part per million (negligible residue) in or on alfalfa hay.

0.05 part per million (negligible residue) in or on citrus fruits, cottonseed, cucurbits, forage legumes, fruiting vegetables, grapes, hops, leafy vegetables, nuts, peanuts, root crop vegetables (except carrots), safflower seed, seed and pod vegetables, stone fruits, sugarcane, and sunflower seed.

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

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

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

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6531; Filed, June 3, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM POLYMETHACRYLATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2365) filed by W. R. Grace & Co., Dewey & Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of sodium polymethacrylate as a boiler water additive in the preparation of steam that will contact food. 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), § 121.1088(c) is amended by alphabetically inserting in the list a new item, as follows:

§ 121.1088 **Boiler water additives.**

* * * * *

(c) List of substances:

	Limitations
* * *	* * *
Sodium polymethacrylate	
* * *	* * *

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

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

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

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6530; Filed, June 3, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FERMENTATION-DERIVED, MILK-CLOTTING ENZYME

Section 121.1199 provides for the safe use of certain milk-clotting enzymes in cheese production where permitted by standards of identity established under section 401 of the Federal Food, Drug, and Cosmetic Act, except that the enzyme *Bacillus cereus* may not be used in the production of the standardized cheeses identified by §§ 19.540 and 19.542 of the food standard regulations (21 CFR 19.540, 19.542).

Also published in this issue of the FEDERAL REGISTER is (1) an order amending the standards of identity for 19 additional varieties of cheese to provide for the optional use of safe and suitable milk-clotting enzymes and (2) a proposal to amend those cheese standards that now list only rennet to provide for optional use of other safe and suitable milk-clotting enzymes for cheesemaking.

Consistent with the "safe and suitable" concept, as expressed in the food standards, the Commissioner of Food and Drugs concludes it is unnecessary for § 121.1199 to specify the particular cheese production in which these milk-clotting enzymes may be used.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120, § 121.1199(d) is revised to read as follows:

§ 121.1199 **Fermentation-derived, milk-clotting enzyme.**

* * * * *

(d) The additive is used in an amount not in excess of the minimum required to produce its intended effect in the production of those cheeses for which it is permitted by standards of identity established pursuant to section 401 of the act.

Notice and public procedure are not necessary prerequisites to this promulgation since the amendment herein relaxes existing requirements.

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(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6527; Filed, June 3, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

n-ALKYL (C_{12}–C_{18}) BENZYLDIMETHYLAMMONIUM CHLORIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions (FAP 9H2358, 9H2383) filed by Onyx Chemical Co., Division of Millmaster Onyx Corp., 190 Warren Street, Jersey City, N.J. 07302, and by Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of *n*-alkyl (C_{12}–C_{18}) dimethylbenzylammonium chloride in sanitizing solutions on food-processing equipment and utensils. 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) § 121.2547 is amended by adding a new subparagraph to paragraph (b) and to paragraph (c), as follows:

§ 121.2547 **Sanitizing solutions.**

* * * * *

(b) * * *

(9) An aqueous solution containing *n*-alkyl (C_{12}–C_{18}) benzyldimethylammonium chloride compounds having average molecular weights of 359–380 and consisting principally of alkyl groups with 12–16 carbon atoms with or without not over 1 percent each of groups with 8 and 10 carbon atoms.

(c) * * *

(6) Solutions identified in paragraph (b)(9) of this section shall provide when ready to use no more than 200 parts per million of the active quaternary compound.

* * * * *

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

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

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

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6528; Filed, June 3, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RUBBER ARTICLES INTENDED FOR REPEATED USE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2392) filed by Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, and other relevant material, concludes that the description of the tri(nonylphenyl) phosphite-formaldehyde resins identified in § 121.2562(c)(4)(iii) should be changed to provide for an alternate method of manufacture of such resins and to specify a minimum viscosity of 20,000 centipoises rather than the presently prescribed range of 20,000–30,000 centipoises. 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), § 121.2562(c)(4)(iii) is amended by changing the item "Tri(nonylphenyl) phosphite-formaldehyde resins * * *" to read as follows:

§ 121.2562 **Rubber articles intended for repeated use.**

* * * * *

(c) * * *

(4) * * *

(iii) *Antioxidants and antiozonants (total not to exceed 5 percent by weight of rubber product).*

* * * * *

Tri(nonylphenyl) phosphite-formaldehyde resins produced when 1 mole of tri(nonylphenyl) phosphite is made to react with 1.4 moles of formaldehyde or produced when 1 mole of nonylphenol is made to react with 0.36 mole of formaldehyde and the reaction product is then further reacted with 0.33 mole of phosphorus trichloride. The finished resins have a minimum viscosity of 20,000 centipoises at 25° C., as determined by LV-series Brookfield viscometer (or equivalent) using a No. 4 spindle at 12 r.p.m., and have an organic phosphorus content of 4.05 to 4.15 percent by weight.

* * * * *

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

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

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

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6529; Filed, June 3, 1969; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. 7014]

PART 194—LIQUOR DEALERS

Miscellaneous Amendments

On January 17, 1969, a notice of proposed rule making to amend 26 CFR Part 194 was published in the FEDERAL REGISTER (34 F.R. 755). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. After consideration of all relevant matter presented and further study of the proposed amendments, the regulations in 26 CFR Part 194 as published in the FEDERAL REGISTER (34 F.R. 755) are hereby adopted, subject to the following changes:

PARAGRAPH 1. Paragraph 2 of the notice is changed by revising paragraph (a) of § 194.225 (1) to provide that a separate record may be maintained of the name of the producer or bottler of the spirits, (2) to delete the requirement that serial numbers of cases be shown in the record of receipt but provide that the assistant regional commissioner may in writing require that such information be shown, and (3) to provide that where the recording of serial numbers is required, they may be shown on supporting documents attached to the record of receipt; and by inserting an additional citation of authority.

PAR. 2. Paragraph 3 of the notice is changed by revising paragraph (a) of § 194.226 to delete the requirement that serial numbers of cases be shown in the record of disposition but provide that the assistant regional commissioner may in writing require that such information be shown; and by inserting an additional citation of authority.

PAR. 3. As a result of changes in §§ 194.225 and 194.226 the need for proposed new § 194.226a no longer exists. Therefore, the proposed new § 194.226a and paragraph 3a of the notice are deleted.

PAR. 4. Paragraph 4 of the notice is changed by revising § 194.227 with respect to the marking and filing of voided invoices.

PAR. 5. The notice is changed by inserting a new paragraph 10a.

PAR. 6. Paragraph 13 of the notice is renumbered paragraph 12.

PAR. 7. As a result of a change made by Treasury Decision 7002, the need to amend § 194.283 no longer exists. Therefore, the proposed changes set forth in paragraph 14 of the notice are deleted, and § 194.283 will not be amended.

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

(This Treasury decision is issued under the authority contained in sec. 7805 of the Internal Revenue Code (68A Stat. 917; 26 U.S.C. 7805))

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

Approved: May 28, 1969.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to: (1) Prescribe the use of serially numbered commercial invoices as records of receipt and disposition; (2) provide that assistant regional commissioners may relieve wholesale liquor dealers of the requirement for recording case serial numbers on records of receipt and disposition, until otherwise notified; (3) prescribe that wholesale liquor dealers' reports on Form 338 shall be filed semiannually instead of monthly; (4) permit assistant regional commissioners to authorize the preparation of recapitulation records at intervals less frequent than daily; and (5) make certain editorial and clarifying changes, the regulations in 26 CFR Part 194 are amended as follows:

PARAGRAPH 1. Section 194.221 is amended by deleting specific instructions for preparing records and reports as such instructions are contained in, or have been transferred to, other sections. As amended, § 194.221 reads as follows:

§ 194.221 **General requirements as to distilled spirits.**

Except as provided in §§ 194.223 and 194.224, every wholesale dealer in liquors shall, daily, prepare records of the physical receipt and disposition, as prescribed in §§ 194.225 and 194.226, respectively, of distilled spirits by him, and shall, daily, prepare a recapitulation record, as prescribed in § 194.230, showing the total

wine gallons if in bottles, or proof gallons if in packages, of distilled spirits received and disposed of during the day.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

PAR. 2. Section 194.225 is amended by prescribing consignors' invoices (or the consignees' memorandum receiving records) and credit memorandums as the record of receipt. As amended, § 194.225 reads as follows:

§ 194.225 Records of receipt.

(a) *Information required.* Every wholesale dealer in liquors shall maintain a daily record of the physical receipt of each individual lot or shipment of distilled spirits, which record shall show (1) name and address of consignor, (2) date of receipt, (3) brand name, (4) name of producer or bottler, except that this may be omitted if the dealer keeps available for inspection a separate list or record identifying the producer or bottler with the brand name, (5) kind of spirits, except that this may be omitted if the dealer keeps available for inspection a separate list or record identifying "kind" with the brand name, (6) quantity actually received (showing number of packages, if any, and number of cases by size of bottle, and explaining any difference from the quantity shown on the commercial papers covering the shipment), and (7) serial numbers of packages, and (8) where required in writing by the assistant regional commissioner, serial numbers of cases. Where the recording of serial numbers is required, they may, if desired, be shown on supporting documents attached to the record of receipt. Additional information may also be shown.

(b) *Form of record.* The record prescribed by paragraph (a) of this section shall consist of consignors' invoices (or, where such invoices are not available on the day the shipment is received, memorandum receiving records prepared on the day of receipt of the distilled spirits), and credit memorandums covering distilled spirits returned to the dealer, which contain all required information. Each such invoice (or memorandum receiving record) and credit memorandum shall be numbered by the consignee dealer in the sequence of the physical receipt of the spirits covered thereby. The consignee dealer may start a new series of such numbers annually, or on approval of the assistant regional commissioner, more frequently.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

PAR. 3. Section 194.226 is amended by prescribing the wholesale dealer's invoices (or memorandum shipping records) as the records of disposition. As amended, § 194.226 reads as follows:

§ 194.226 Records of disposition.

(a) *Information required.* Every wholesale dealer in liquors shall prepare a daily record of the physical disposition of each individual lot of distilled spirits, which record shall show (1) name and address of consignee, (2) date of disposition, (3) brand name, (4) kind of spirits, except that this may be omitted if the dealer keeps available for inspection a separate list or record identifying "kind" with the brand name, (5) number of packages, if any, and number of cases by size of bottle, (6) the serial numbers of packages, and (7) where required in writing by the assistant regional commissioner, serial numbers of the cases. Where the recording of serial numbers is required, they may, if desired, be shown on supporting documents attached to the record of disposition. Additional information may also be shown.

(b) *Form of record.* The record prescribed by paragraph (a) of this section shall consist of the wholesale dealer's invoices (or, where such invoices are not available at the time the spirits are removed, memorandum shipping records prepared at the time of removal of the distilled spirits) which contain all required information. Each such invoice (or memorandum shipping record) shall be preprinted with the name and address of the wholesale dealer in liquors and shall be serially numbered in consecutive order. The wholesale dealer may start a new series of such numbers annually, or, on approval of the assistant regional commissioner, more frequently.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

PAR. 4. Section 194.227 is amended with regard to the manner in which records of receipt and disposition will be canceled or corrected. As amended, § 194.227 reads as follows:

§ 194.227 Canceled or corrected records.

Entries on the records of receipt and disposition prescribed by §§ 194.225 and 194.226 shall not be erased or obliterated. Correction or deletion of any entry shall be accomplished by drawing a line through such entry, and making appropriate correction or explanation. If a wholesale dealer in liquors voids an invoice for any reason, the "Government File Copy" prescribed in § 194.240 shall be marked "Canceled" and be filed as provided in that section; all remaining copies of the voided invoice shall be destroyed or similarly canceled and filed. If a new invoice is prepared, the serial number thereof shall be noted on all retained copies of the canceled invoice.

(72 Stat. 1342; 26 U.S.C. 5114)

PAR. 5. Section 194.228 is amended to provide that a wholesale dealer may continue to use his previously approved records of receipt and disposition, and a related change is made in the section heading. As amended, § 194.228 reads as follows:

§ 194.228 Previously prescribed or approved records of receipt and disposition.

A wholesale dealer in liquors may continue to use records of receipt and disposition in a format previously prescribed, or approved for him, provided he gives written notice of such intent to the assistant regional commissioner. Such records shall show the information required by paragraph (a) of § 194.225 or paragraph (a) of § 194.226, as applicable. Such records shall be preprinted with the name and address of the wholesale dealer. Each sheet or page shall bear a preprinted serial number, or page serial numbers may be affixed in unbroken sequence during the preparation or processing of the records. A serial number shall not be duplicated within a period of 6 months.

(72 Stat. 1342; 26 U.S.C. 5114)

PAR. 6. Section 194.229 is amended to provide that the Director, Alcohol and Tobacco Tax Division, may also authorize variations in type of record, and to recognize the use of data processing equipment. As amended, § 194.229 reads as follows:

§ 194.229 Variations in format, or preparation, of records.

(a) *Authorization.* The Director may approve variations in the type and format of records of receipt and disposition, or in the methods of preparing such records, where it is shown that variations from the requirements are necessary in order to use data processing equipment, other business machines, or existing accounting systems, and will not (1) unduly hinder the effective administration of this part, (2) jeopardize the revenue, or (3) be contrary to any provision of law. A dealer who proposes to employ such a variation shall submit written application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and set forth the need therefor. The assistant regional commissioner will determine the need for the variations, and whether approval thereof would unduly hinder the effective administration of this part or result in jeopardy to the revenue. The assistant regional commissioner will forward two copies of the application to the Director together with a report of his findings and his recommendation. Variations in type and format of records or methods of preparation shall not be employed until approval is received from the Director.

(b) *Requirements.* Any information required by this part to be kept or filed is subject to the provisions of law and this part relating to required records and reports, regardless of the form or manner in which kept or filed.

PAR. 7. Section 194.230 is amended to provide that assistant regional commissioners, alcohol and tobacco tax, may authorize the preparation of recapitulation records at intervals less frequent than daily. As amended, § 194.230 reads as follows:

§ 194.230 Recapitulation records.

Every wholesale dealer in liquors shall, daily, prepare a recapitulation record showing the total quantities of distilled spirits received and disposed of during the day: *Provided*, That, upon application, and on his finding that preparation of the recapitulation daily is not necessary to law enforcement or protection of the revenue, the assistant regional commissioner may authorize a dealer to prepare such record less frequently until otherwise notified. The assistant regional

commissioner's authorization shall specify the intervals at which the recapitulation shall be prepared and shall provide that the authorization may be withdrawn if, in the opinion of the assistant regional commissioner, preparation of a daily recapitulation by the dealer is necessary to law enforcement or to protection of the revenue.

PAR. 8. The center heading "Daily and Monthly Reports" immediately preceding § 194.231 is deleted.

PAR. 9. In order to provide for the filing of the wholesale liquor dealer's report, Form 338, semiannually instead of monthly and to delete extraneous material, § 194.232 is deleted and §§ 194.231 and 194.233 are amended to read as follows:

§ 194.231 Wholesale liquor dealer's semiannual report, Form 338.

As of the close of business on June 30 and December 31 of each year, every wholesale dealer in liquors who is required to keep the records prescribed in § 194.221 shall prepare, on Form 338, in duplicate, a report showing the total quantities of distilled spirits received and disposed of during the 6-month period ending on such day. If there were no receipts or disposals of distilled spirits during the period, Form 338 shall be prepared showing the quantity on hand the first day of the period and the quantity on hand the last day of the period and marked "No transactions during period." The original of Form 338 shall be filed with the assistant regional commissioner not later than the 10th day of the month succeeding the period for which rendered, and the copy shall be retained by the dealer.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.232 [Deleted.]

§ 194.233 Discontinuance of business.

When a wholesale dealer in liquors discontinues business as such, he shall render Form 338, covering transactions from the first day of the 6-month period (referred to in § 194.231) in which business is discontinued, through the date of such discontinuance, mark such report "Final", and file the form with the assistant regional commissioner within 10 days of the date of such discontinuance.

(72 Stat. 1342; 26 U.S.C. 5114)

PAR. 10. Section 194.234 is amended to include the waiver of filing daily or periodic reports on Forms 52A and 52B, transferred from § 194.221, and to simplify the instructions for filing such reports. As amended, § 194.234 reads as follows:

§ 194.234 Daily reports, Forms 52A and 52B.

Except as provided in §§ 194.223 and 194.224, every wholesale dealer in liquors shall prepare and submit, daily, a report on Form 52A of all distilled spirits received by him, and on Form 52B of all distilled spirits disposed of by him. The reports shall be filed with the assistant regional commissioner or other officer designated by him. Each report shall bear the following declaration signed by the dealer or his authorized agent:

I declare under the penalties of perjury that this report, consisting of —— pages, has been examined by me and to the best of my knowledge and belief is a true, correct, and complete report of all the transactions which occurred during the period covered thereby, and each entry therein is correct.

If in any case the assistant regional commissioner shall so authorize, the reports, in lieu of being filed daily, may be filed for such periods and at such times as he may deem necessary in the interest of the Government, or, upon application, and a finding by the assistant regional commissioner that such reporting is not necessary to law enforcement or protection of the revenue, he may relieve a dealer from the requirement of preparing and submitting such daily or periodic reports on Forms 52A and 52B until otherwise notified.

(68A Stat. 749, 72 Stat. 1342; 26 U.S.C. 6065, 5114)

10a. Section 194.237 is amended to conform the requirements regarding the reporting of serial numbers to the liberalized amendments to §§ 194.225 and 194.226. As amended, § 194.237 reads as follows:

§ 194.237 Serial numbers of containers.

Serial numbers of packages of distilled spirits received, or disposed of, shall be reported on Form 52A or Form 52B unless the omission of such serial numbers is specifically authorized by the assistant regional commissioner. Serial numbers of cases of distilled spirits received, or disposed of, shall be reported on Form 52A or Form 52B by any wholesale dealer who has been required, pursuant to §§ 194.225 and 194.226, to record such serial numbers in his records of receipt and disposition.

PAR. 11. Section 194.238 is amended to conform to the change in the period for which Form 338 is filed, as set forth in § 194.231, to delete extraneous material, and to make conforming changes in section references. As amended, § 194.238 reads as follows:

§ 194.238 Requirements when wholesale dealer in liquors maintains a retail department.

(a) When a wholesale dealer in liquors maintains a separate department on his premises for the retailing of distilled spirits, he shall, except as provided in paragraph (b) of this section, at the time distilled spirits are transferred to the retail department, prepare a record, as prescribed in § 194.226, showing such disposition. Where it is necessary in the filling of an order to transfer distilled spirits from the retail department to the wholesale department, a record showing receipt in the wholesale department shall be prepared as prescribed in § 194.225, and the entire wholesale sale shall be entered on a record of disposition in the same manner as any other disposition from the wholesale department. The provisions of this subpart relating to submission of reports on Forms 52A and 52B are applicable to all transfers between wholesale and retail departments. The retail department need not be maintained in a separate room, or be partitioned off from the wholesale department, but the retail department shall in fact be separate from the wholesale department.

(b) Where retail sales of distilled spirits normally represent 90 percent or more of the volume of distilled spirits sold, the dealer may, in lieu of the records required by § 194.225, keep records as prescribed in § 194.239 for all retail dealers in liquors, and all distilled spirits at the premises may be considered as having been received in the dealer's retail department. In addition, as prescribed by § 194.226, he shall prepare records of disposition on all distilled spirits sold at wholesale, and shall prepare recapitulation records of such spirits, as prescribed in § 194.230. Distilled spirits which have been considered as having been received in the retail department, and which are involved in a wholesale transaction, shall be considered as having been transferred to the wholesale department at the time of sale. The semiannual report on Form 338 shall be submitted in accordance with the provisions of § 194.231, even if there have been no wholesale transactions in distilled spirits. Unless relieved of the requirement, pursuant to application under § 194.234, the dealer shall submit daily or periodic reports on Forms 52A and 52B of all his wholesale liquor dealer transactions in distilled spirits. The dealer's wholesale department need not be maintained in a separate room or be partitioned off from the retail department.

(72 Stat. 1342, 1345, 1395; 26 U.S.C. 5114, 5124, 5555)

PAR. 12. Section 194.240 is amended by changing the section heading to include reference to the time of filing specified records and to delete the word "loose-leaf," and by making a clarifying restatement of the text. As amended, § 194.240 reads as follows:

§ 194.240 Time and manner of filing records of receipt and disposition.

One legible copy of each record of receipt and each record of disposition required by this subpart shall be marked or stamped as "Government File Copy," and shall be filed chronologically, and in numerical sequence within each date. Where the chronological filing of the record of disposition disarranges the numerical sequence to such an extent that the sequence of numbers cannot be readily traced, a control record shall be maintained by the wholesale dealer, which shall key the numerical sequence of the records to their respective dates. Government file copies shall be filed not later than the close of the business day next succeeding that on which the transaction occurred. Separate files shall be maintained for records of receipt and for records of disposition. Supporting documents such as delivery receipts, and bills of lading may be filed in accordance with the wholesaler's customary practice.

(72 Stat. 1342; 26 U.S.C. 5114)

[F.R. Doc. 69-6570; Filed, June 3, 1969; 8:48 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Additional Standards; Typhoid Vaccine and Limits of Potency

On November 9, 1968, a notice of rule making was published in the FEDERAL REGISTER (33 F.R. 16452–16454) proposing to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity, and potency for Typhoid Vaccine, and by prescribing the required potency for Typhoid Vaccine and Tetanus Immune Globulin (Human).

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 60 days after the date of their publication in the FEDERAL REGISTER.

After consideration of all comments submitted, the following amendment to Part 73 of the Public Health Service Regulations is hereby adopted to become effective 60 days after the date of publication in the FEDERAL REGISTER.

1. Part 73 is hereby amended by adding to the table of contents in numerical sequence, the following:

ADDITIONAL STANDARDS: TYPHOID VACCINE

2. Part 73 is hereby amended by adding the following after § 73.406:

ADDITIONAL STANDARDS: TYPHOID VACCINE

§ 73.410 Proper name and definition.

The proper name of this product shall be Typhoid Vaccine which shall be an aqueous or dried preparation of killed *Salmonella typhosa* bacteria.

§ 73.411 U.S. Standard preparations.

(a) The U.S. Standard Typhoid Vaccine shall be used for determining the potency of Typhoid Vaccine.

(b) The U.S. Opacity Standard shall be used to adjust the opacity of the suspension from which the challenge culture is prepared.

§ 73.412 Production.

(a) *Strain of bacteria.* Strain Ty 2 of *Salmonella typhosa* shall be used in the manufacture of Typhoid Vaccine.

(b) *Propagation of bacteria.* The culture medium for propagation of *S. typhosa* shall not contain ingredients known to be capable of producing allergenic effects in human subjects. The harvested bacteria shall be free of extraneous bacteria, fungi and yeasts, as demonstrated by microscopic examination and cultural methods.

(c) *Bacterial content.* (1) The number of bacteria in the concentrate of harvested bacteria shall be estimated not later than 2 weeks after harvest and before any treatment capable of altering the accuracy of the estimate.

(2) The number of *S. typhosa* bacteria in the vaccine shall not exceed 10^9 per ml.

(d) *Nitrogen content.* The total nitrogen content of the vaccine shall not exceed 0.035 mg./ml. for nonextracted bacteria preparations and shall not exceed 0.023 mg./ml. for acetone-extracted bacteria preparations.

(e) *Preservative.* Aqueous vaccine and the solution for reconstitution supplied with dried vaccine shall contain a preservative. Dried vaccine shall not contain a preservative.

§ 73.413 Potency test.

The number of potency units per milliliter shall be estimated for each lot of vaccine from the results of simultaneous mouse protection tests of the vaccine under test and of the U.S. Standard Typhoid Vaccine. The test shall be performed as follows:

(a) *Mice.* Healthy mice shall be used, all from a single strain and of the same sex, or an equal number of each sex in each group, with individual weights between 13 and 16 grams. A system of randomization shall be used to distribute the mice into the groups, with respect to shelf position and to determine the order of challenge. There shall be at least three groups consisting of no less than 16 mice each, for each vaccine. In addition, there shall be at least four groups consisting of no less than 10 mice each, for control purposes; one group for the challenge dose and three groups for titrating the virulence of the challenge dose.

(b) *Inoculation of vaccine.* (1) Serial dilutions, no greater than 5-fold, of the vaccine to be tested and of the standard vaccine shall be made in saline (0.85 percent sodium chloride solution). The middilution of each vaccine shall contain that amount of vaccine which will afford protection to approximately 50 percent of the mice. Each mouse in each group for inoculation shall be injected intraperitoneally with 0.5 ml. of the appropriate dilution.

(2) The interval between inoculation of the vaccine and challenge shall be no less than 7 days nor more than 14 days. At least 87.5 percent of the mice in each group shall survive the period between vaccine inoculation and challenge and each mouse challenged shall appear healthy.

(c) *The challenge.* (1) The challenge culture of Strain Ty 2 of *S. typhosa* for each test shall be taken from a batch of cultures maintained by a method, such as freeze-drying, that retains constancy of virulence.

(2) The challenge and virulence titration doses shall be prepared as follows: The bacteria shall be harvested from a 5- to 6-hour culture grown at 36°±1° C. on a nutrient agar medium which shall have been seeded from a 16- to 20-hour culture grown at 36°±1° C. on a nutrient agar medium, and the harvested bacteria then shall be uniformly suspended in saline. The suspension, freed from agar particles and clumps of bacteria and adjusted to an opacity of 10 units, shall be diluted in saline by 10-fold increments. The suspensions for the challenge and virulence titration doses shall be put into a sterile gastric mucin preparation. The challenge suspension shall be prepared from whichever bacterial dilution provides about 1,000 colony forming units for an 0.5 ml. challenge dose. The virulence titration suspensions shall be 10^1, 10^2, and 10^3 dilutions respectively of the challenge suspension.

(3) Each mouse inoculated with vaccine shall be injected intraperitoneally with an 0.5 ml. dose of the challenge suspension. Each mouse in the four groups of control mice shall be injected intraperitoneally with an 0.5 ml. dose of the challenge suspension and its three dilutions, respectively. The challenge dose control mice shall be injected last. The interval between removal of the bacteria from the culture medium and the injection of the last mouse shall not exceed 2½ hours.

(d) *Recording the results.* The mice shall be observed daily for 3 days. A record shall be maintained of the number of mice that die. A record of the number of mice that survive shall be made at the end of the observation period.

(e) *Validity of the test.* The test is valid provided: (1) the ED_{50} of the vaccine under test and the Standard Vaccine is between the largest and smallest doses inoculated into the mice; (2) the limits of one standard deviation of the ED_{50} of each vaccine fall within the range of 61 percent to 163 percent; (3) a graded protective response is obtained in relation to the vaccine dilutions; (4) the dose response curves of the vaccine under test and the standard vaccine are parallel; (5) the challenge dose contains approximately 1,000 colony forming units; and (6) the LD_{50} of the challenge dose contains no more than 10 colony forming units.

(f) *Repeat tests.* If the test does not meet the criteria prescribed in paragraph (e) of this section, repeat tests may be performed, and the combined results of all tests shall meet the paragraph (e) criteria, except that the limits of one standard deviation of the ED_{50} shall be reduced in proportion to the total number of mice in a test group. Tests established as invalid pursuant to section 73.70 may be disregarded.

(g) *Estimate of the potency.* The ED_{50} of each vaccine shall be calculated by a method that provides an estimate of the standard deviation. The protective unit value per milliliter of the vaccine under test shall be calculated in terms of the unit value of the standard vaccine.

(h) *Potency requirements.* The vaccine shall have a potency of 8 units per

milliliter. Variations in potency unit estimates are acceptable provided the estimate is not less than 5.0 units per milliliter.

§ 73.414 General requirements.

(a) *Dose.* These standards are based on a human adult dose of 0.5 ml. for a single injection and a total immunizing dose of two injections of 0.5 ml. given at appropriate intervals.

(b) *Labeling.* In addition to the items required by other applicable labeling provisions of this part, the package label shall state that the vaccine contains 8 units per milliliter.

(c) *Samples; protocols; official release.* For each lot of vaccine, the following material shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A sample of no less than 40 ml. of the product distributed in no less than four containers.

(2) A protocol which consists of a summary of the history of manufacture of each lot including all results of each test for which test results are requested by the Director, Division of Biologics Standards.

The product shall not be issued by the manufacturer until notification of official release is received from the Director, Division of Biologics Standards, for each filling lot of dried vaccine and for each bulk lot of aqueous vaccine.

§ 73.415 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to Typhoid Vaccine, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the vaccine that are equal to or greater than the assurances provided by such standards, and the Director, National Institutes of Health, so finds and makes such finding a matter of official record.

3. Section 73.82 is hereby amended by adding the potency limits for Tetanus Immune Globulin (Human) and for Typhoid Vaccine and revising that section to read as follows:

§ 73.82 Limits of potency.

The potency of the following products shall be not less than that set forth below and products dispensed in the dried state shall represent liquid products having the stated limitations.

ANTIBODIES

Diphtheria Antitoxin, 500 units per milliliter.
Scarlet Fever Streptococcus Antitoxin, 400 units per milliliter.
Tetanus Antitoxin, 400 units per milliliter.
Tetanus Immune Globulin (Human), 50 units of tetanus antitoxin per milliliter.

ANTIGENS

Pertussis Vaccine, 12 units per total human immunizing dose.
Typhoid Vaccine, 8 units per milliliter.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262).

Dated: April 25, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: May 28, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-6581; Filed, June 3, 1969; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular 2259]

PART 1720—PROGRAMS AND OBJECTIVES

Subpart 1725—Program Policy

FLOOD HAZARDS

On pages 14709 and 14710 of the FEDERAL REGISTER of October 2, 1968, there were published a notice and text of proposed amendment to Subpart 1725 of Title 43, Code of Federal Regulations. The purpose of the amendment is to implement Executive Order 11296, August 10, 1966, which directed Federal agencies to evaluate flood hazards in connection with lands or properties proposed for disposal to non-Federal public instrumentalities or private interests and, where desirable, to attach appropriate restrictions to the use of the lands or properties by the purchaser and his successors, or to withhold such lands or properties from disposal. Interested persons were given 30 days within which to submit comments, suggestions or objections to the proposed amendment. No comments, suggestions or objections have been received. The proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective on publication in the FEDERAL REGISTER.

WALTER J. HICKEL,
Secretary of the Interior.

MAY 28, 1969.

1. In § 1725.2, paragarph (a) is amended, existing paragraphs (b), (c), (d), and (e) are renumbered (c), (d), (e), and (f) and a new paragraph (b) is added, as follows:

§ 1725.2 Disposal policy.

* * * * *

(a) Encouragement and assistance will be extended to State, county, and local governments in master planning and zoning. They will be encouraged to utilize the best modern techniques for quality land utilization, including preservation of natural beauty and open space values, and the prevention of uneconomic use and development of flood plains.

(b) Inclusion in patents of suitable conditions or restrictions on the use of the land, in those situations where a tract of land is suitable for disposal but has been evaluated as having a flood hazard potential which may cause economic loss to improvements or may endanger human life. If inclusion of needed conditions or restrictions in the deed are not permitted by law, the tract may be withheld from disposal to avoid such losses.

* * * * *

2. In § 1725.3-3, paragraph (j) is amended to read as follows:

§ 1725.3-3 Components of multiple use management.

* * * * *

(j) *Preservation of public values.* Management of public land for preservation of public values that would be lost if the land passed from Federal ownership involves the protection, regulated use, and development of any public lands having unique or scarce characteristics or site values in a manner to insure their continued availability to the general public, either national or local, temporarily or permanently. It also involves the prevention of avoidable losses and damage, including avoidance of use and development which may require future expenditures for flood protection and flood damage relief.

[F.R. Doc. 69-6537; Filed, June 3, 1969; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4664]

[Utah 6443]

UTAH

Withdrawal for National Forest Recreation Area Partial Revocation of Public Land Order No. 4567

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

UINTA NATIONAL FOREST

SALT LAKE MERIDIAN

Hawthorne Campground (addition)

T. 8 S., R. 5 E.,
Sec. 11, SW¼NW¼NE¼.

Containing 10 acres.

2. Public Land Order No. 4567 of January 16, 1969, so far as it withdrew the following described lands from appropriation under the mining laws in aid of programs of the Department of Agriculture, is hereby revoked:

UINTA NATIONAL FOREST

SALT LAKE MERIDIAN

Hawthorne Campground

T. 8 S., R. 5 E.,
Sec. 11, NE¼NW¼NE¼.

Containing 10 acres.

3. At 10 a.m. on July 3, 1969, the lands described in paragraph 2 shall be open to such forms of disposal as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 28, 1969.

[F.R. Doc. 69-6535; Filed, June 3, 1969; 8:46 a.m.]

Title 45—PUBLIC WELFARE

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

PART 131—COLLEGE LIBRARY RESOURCES PROGRAM UNDER TITLE II-A, HIGHER EDUCATION ACT OF 1965, AS AMENDED

Sec.
131.1 Applicability.
131.2 Definitions.
131.3 Program purposes.
131.4 Ineligible purposes.
131.5 Eligible applicants.
131.6 Application for grants.
131.7 Content of applications.
131.8 Criteria for review of applications for supplemental grants.
131.9 Criteria for review of applications for special purpose grants.
131.10 Disposition of applications.
131.11 Amount of grant.
131.12 Availability of grant funds.
131.13 Payment procedures.
131.14 Effect of Federal payments.
131.15 Fiscal accounting and auditing procedures.
131.16 Retention of records.
131.17 Reports.

AUTHORITY: These regulations issued under secs. 202, 203, 204 and 1203(a), 79 Stat. 1224, 1225, 1226, and 1270, as amended.

§ 131.1 Applicability.

The regulations in this part apply to grants made by the Commissioner pursuant to his authority under Title II-A of the Higher Education Act of 1965, as amended. Such grants are also subject to the requirements of Title VI of the Civil Rights Act of 1964, approved July 2, 1964 (Public Law 88-352, 78 Stat. 252, 42 U.S.C. 2000d et seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation in 45 CFR Part 80. (20 U.S.C. 1021-8, 42 U.S.C. 2000d et seq.)

§ 131.2 Definitions.

As used in this part—

(a) "Act" means the Higher Education Act of 1965 (Public Law 89-329, as amended, 79 Stat. 1219, 20 U.S.C. 1001 et seq.).

(b) "Basic grant" means a grant made pursuant to section 202 of the Act.

(c) "Branch" means a campus of an institution of higher education which is located in a State but in a community different from that of the parent institution and beyond a reasonable commuting distance from the main campus and which has college level programs for which library facilities, services, and materials are necessary.

(d) "Combination of institutions" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective on their behalf or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective for the benefit of said institutions.

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

(f) "Fiscal year" means the period beginning on July 1 and ending on the following June 30 and is designated by the calendar year in which the fiscal year ends.

(g) "Full-time equivalent of the number of part-time students" is to be determined by dividing the total number of credit hours of part-time students by the student-hour load required by the institution for full-time student standing.

(h) "Full-time student" means a student who is carrying a sufficient number of credit hours or their equivalent (including research or special studies) to secure the degree or certificate toward which he is working in no more than the number of semesters or terms normally taken therefor at the institution in which he is enrolled.

(i) "Institution of higher education" means an educational institution in any State which meets all of the following criteria:

(1) It admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(2) It is legally authorized within such State to provide a program of education beyond secondary education.

(3) It provides at least one of the following types of programs:

(i) An educational program for which it awards a bachelor's degree;

(ii) A program of not less than 2 years which is acceptable for full credit toward a bachelor's degree;

(iii) A program of not less than 1 year of training to prepare students for gainful employment in a recognized occupation.

(4) It is a public or other nonprofit institution.

(5) It is either accredited by a nationally recognized accrediting agency or association, or meets at least one of the following requirements:

(i) It is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or organization within a reasonable period of time.

(ii) It is an institution with respect to which the Commissioner determines that there is satisfactory assurance that upon acquisition of the library resources with respect to which assistance under this part is sought, or upon acquisition of those resources and other library resources planned to be acquired within a reasonable time, the institution will meet the accreditation standards of such agency or association.

(iii) It is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

(j) "Joint-use library facilities" means those library facilities, services, or materials provided by and for the use of a combination of institutions of higher education.

(k) "Library materials" means books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, cataloging materials, and other printed and published materials which are suitable for inclusion in the library resources of institutions of higher education and which (with the exception of periodicals and newspapers) with reasonable care and use may be expected to last for more than 1 year. Such term also includes necessary first binding of such printed and published materials, but shall not include equipment or supplies.

(l) "Library purposes", as applied to expenditures, means expenditures for the maintenance and operation of libraries, such as salaries, wages, supplies, materials, and equipment. Such term does not include expenditures for construction, acquisition, expansion or improvement of buildings, initial equipment therefor, site acquisition, or other capital expenditures.

(m) "New institution of higher education" (in fiscal year 1970 and thereafter) means an educational institution in any State which meets all of the following criteria:

(1) It can demonstrate to the Commissioner that it has undertaken procedures preparatory to the enrollment of students in the fiscal year following the fiscal year for which a grant is requested.

(2) It proposes to enroll as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(3) It is presently, or can demonstrate that it will by the time of the proposed enrollment, be legally authorized within such State to provide a program of education beyond secondary education.

(4) It proposes to provide in the year in which it intends to first enroll students at least one of the following types of programs:

(i) An educational program for which it awards a bachelor's degree;

(ii) A program of not less than 2 years which is acceptable for full credit toward a bachelor's degree;

(iii) A program of not less than 1 year of training to prepare students for gainful employment in a recognized occupation.

(5) It is organized as a public or other nonprofit institution.

(6) It is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution (including assistance under this program), the length of time the institution has legally been in existence, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of a nationally recognized accrediting agency or association within a reasonable period of time.

(n) "Nonprofit institution" means an institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(o) "School or department of divinity" means an institution of higher education or a department or branch of such an institution whose program is specifically for the education of students to prepare them to become ministers of religion, to enter upon some other religious vocation, or to prepare them to teach theological subjects.

(p) "Special purpose grant" means a grant made pursuant to section 204 of the Act.

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

(r) "Supplemental grant" means a grant made pursuant to section 203 of the Act.

(s) "Total institutional expenditures" means expenditures for the maintenance and operation of institutions of higher education, including those for administration, instruction, research, extension and public services, libraries, operation and maintenance of physical plant. Such term shall not include expenditures for construction, acquisition, expansion, or improvement of buildings, initial equipment therefor, site acquisition, or other capital expenditures.

(t) "Volume" means any printed, typewritten, handwritten, mimeographed, or processed work contained in one binding or portfolio, hardbound or paperbound, which has been classified, cataloged, or otherwise prepared for library use, including bound periodical volumes and nonperiodical Government documents.

(20 U.S.C. 1021–4, 1026, 1027, and 1141)

§ 131.3 Program purposes.

Funds appropriated under title II, part A of the Act may be used by the Commissioner to make grants to eligible applicants to assist them in the acquisition of books and other materials to be used for library purposes. Such grants may be made in the following manner:

(a) Not more than 75 percent of such appropriation may be used for basic grants;

(b) Not more than 15 percent of such appropriation may be used for special purpose grants for either:

(1) Meeting a special need for additional library resources which will make a substantial contribution to the quality of an institution's educational resources (hereinafter referred to as type A);

(2) Meeting special national or regional needs in the library and information not used for basic or special purpose type B); or

(3) Establishing and strengthening joint-use facilities (hereinafter referred to as type C);

(c) The remainder of such appropriation not used for basic or special purpose grants may be used for supplemental grants.

(20 U.S.C. 1022, 1023(a), and 1024(a))

§ 131.4 Ineligible purposes.

No grants may be made under this part for library materials to be used—

(a) For sectarian instruction or religious worship;

(b) Primarily in connection with any part of a program of a school or department of divinity; and

(c) Primarily in connection with any medical library or related scientific communication instrumentality which is eligible for assistance under the Medical Library Assistance Act of 1965 (Public Law 89–291, 42 U.S.C. 280b et seq.).

(20 U.S.C. 1027, 42 U.S.C. 280(b) et seq.)

§ 131.5 Eligible applicants.

(a) *Basic grant.* The following are eligible to apply for a basic grant:

(1) An institution of higher education on its own behalf,

(2) An institution of higher education on behalf of a branch,

(3) A combination of institutions of higher education,

(4) For fiscal year 1970 and thereafter, a new institution of higher education, as defined in § 131.2(m); *Provided*, That such institution shall be eligible for only one basic grant as a new institution of higher education.

(b) *Supplemental grant.* The following are eligible to apply for a supplemental grant:

(1) An institution of higher education,

(2) A branch of an institution of higher education,

(3) A combination of institutions of higher education: *Provided*, That in the fiscal year for which the grant is requested the applicant institution or branch, either individually or as a member of a combination, has also applied for and is eligible to receive a basic grant in excess of $1,500 for or on behalf of such institution or branch.

(c) *Special purpose grant.* The following are eligible to apply for a special purpose grant:

(1) Types A and B—

(i) An institution of higher education,

(ii) A branch of an institution of higher education; *Provided*, That in any fiscal year each institution of higher education or branch thereof may apply for either a special purpose type A or type B grant, but not for both.

(2) Type C—

(i) A combination of institutions of higher education.

(20 U.S.C. 1022, 1023(a), and 1024(a)(2))

§ 131.6 Application for grants.

An application for a basic, supplemental, or special purpose grant shall be submitted on forms prescribed by the Commissioner on or before the date announced by him for each fiscal year. The application shall be executed by an individual authorized to act for the applicant. Applications from branches of institutions shall be submitted to the Commissioner only through the parent institution. Applications and requests for information shall be sent to the Director, Division of Library Programs, Bureau of Adult, Vocational, and Library Programs, U.S. Office of Education, Washington, D.C. 20202.

(20 U.S.C. 1022, 1023(a), and 1024(b))

§ 131.7 Content of applications.

(a) *Applications for a basic grant.* All applications for a basic grant shall contain information sufficient to enable the Commissioner to determine—

(1) The eligibility of the applicant pursuant to § 131.5 of this part and the civil rights regulation in 45 CFR Part 80;

(2) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for all library purposes an amount not less than the average annual amount it expended for such library purposes during the fiscal years 1964 and 1965 or during the 2 fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser;

(3) That the applicant will expend for all library purposes an amount (from funds other than funds received under this part) equal to not less than the amount of such grant;

(4) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for library materials an amount not less than the average amount it expended for such materials during fiscal years 1964 and 1965 or during the 2 fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser;

(5) That the applicant will comply with the requirements in §§ 131.15,

131.16, and 131.17 relating to fiscal accounting and auditing procedures, retention of records and reports.

(b) *Application for a supplemental grant.* All applications for a supplemental grant shall contain information sufficient to enable the Commissioner to determine—

(1) The eligibility of the applicant pursuant to § 131.5 of this part and the civil rights regulation in 45 CFR Part 80;

(2) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for all library purposes an amount not less than the average annual amount it expended for such library purposes during the fiscal years 1964 and 1965 or during the 2 fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser;

(3) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for library materials an amount not less than the average amount it expended for such materials during fiscal years 1964 and 1965 or during the 2 fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser;

(4) (i) The size and quality of the library resources of the applicant in relation to its present enrollment and any expected increase in its enrollment, (ii) any special circumstances which are impeding or will impede the proper development of its library resources and (iii) how a supplemental grant would be used to improve the size or quality of its library resources;

(5) The relative priority of the application in light of the criteria established by him with the advice of the Advisory Council on College Library Resources and set forth in § 131.8;

(6) That the applicant will comply with the requirements in §§ 131.15, 131.16, and 131.17 relating to fiscal accounting and auditing procedures, retention of records, and reports.

(c) *Applications for a special purpose grant.* All applications for a special purpose grant shall contain information sufficient to enable the Commissioner to determine—

(1) The eligibility of the applicant pursuant to § 131.5 of this part and the Civil Rights Regulation in 45 CFR Part 80;

(2) Whether the purpose for which the grant is requested is one of the three purposes set forth in § 131.3;

(3) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for all library purposes an amount not less than the average annual amount it expended for such library purposes during the fiscal years 1964 and 1965 or during the 2 fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser;

(4) That the applicant (or applicants jointly in the case of a combination of institutions) will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for the same purpose as such grant an amount from such other sources equal to not less than 33⅓ percent of such grant;

(5) The relative priority of the application in light of the criteria, applicable to grants type A, type B, or type C, as appropriate, which the Commissioner has established with the advice of the Advisory Council on College Library Resources and set forth in § 131.9; and

(6) That the applicant will comply with the requirements in §§ 131.15, 131.16, and 131.17 relating to fiscal accounting and auditing procedures, retention of records, and reports.

(20 U.S.C. 1022, 1023, and 1024)

§ 131.8 Criteria for review of applications for supplemental grants.

The following criteria will be applied by the Commissioner in approving applications for supplemental grants:

(a) Degree of deficiency in the number of volumes of the applicant's library in relation to the present, and expected increase in, student enrollment and the type of institution or branch applying for a grant;

(b) Amount of decrease in the average per student expenditure for library materials due to an increase in student enrollment;

(c) Recency of the establishment of the library collection;

(d) Number of doctoral programs;

(e) Amount of increase in average percentage of total institutional expenditures allocated to all library purposes.

(20 U.S.C. 1023(b) and 1025(b))

§ 131.9 Criteria for review of applications for special purpose grants.

The following criteria will be applied by the Commissioner in approving applications for special purpose grants:

(a) *Type A grant.* (1) Amount of increase in number of degree programs offered;

(2) Establishment of a special instructional or research center;

(3) Establishment of additional library facilities;

(4) Other demonstrated special library needs.

(b) *Type B grant.* (1) Existence of a comprehensive collection serving a special regional or national need which requires expansion;

(2) Availability of a published catalog of or other guide to such collection;

(3) Accessibility to such collection through a nationally recognized and available bibliography;

(4) Extent of interlibrary loan activity;

(5) Number of registered borrowers eligible to use such collection.

(c) *Type C grant.* (1) Scope and nature of combination's activities (including highest level of degree offered by each institution) in connection with a special collection or infrequently used library materials;

(2) Number of member institutions in the combination;

(3) Adequacy of staff, equipment, and facilities;

(4) Use or availability of a separate joint-use storage facility for special collection or infrequently used library materials;

(5) Availability of a published catalog of, or other guide to, materials;

(6) Maintenance of cooperative cataloging services;

(7) Recency of organization of the combination, as well as the date on which it commenced activities involving the joint use of library facilities, services, or materials.

(20 U.S.C. 1025(b))

§ 131.10 Disposition of applications.

On the basis of his review of an application, the Commissioner will either (a) approve the application either in whole or in part or (b) disapprove the application. Disapproval of an application will not preclude its resubmission in a subsequent fiscal year. The Commissioner will notify the applicant in writing of the disposition of the application. Where the Commissioner awards a grant, the grant award document shall be deemed to include the provisions of these regulations and shall, in addition, set forth the grant amount and any other terms and conditions upon which the grant is made.

(20 U.S.C. 1022, 1023, and 1024)

§ 131.11 Amount of grant.

(a) *Basic grant.* The amount of a basic grant may not exceed $5,000 for each eligible applicant. In the case of an application from a combination of institutions, the amount of the basic grant may not exceed $5,000 for each member institution or branch on whose behalf the application is filed.

(b) *Supplemental grant.* The amount of a supplemental grant may not exceed $10 for each full-time student (including the full-time equivalent of the number of part-time students) enrolled in the applicant institution or branch except that, where an application is made both by a parent institution and a branch thereof, the number of students enrolled in the branch may not be considered in computing the amount of the grant for the applicant parent institution. In the case of an application from a combination of institutions of higher education, the amount of the supplemental grant may not exceed $10 for each full-time student (including the full-time equivalent of the number of part-time students) enrolled in each eligible member institution: *Provided, however,* That, where a member institution has also applied for and received in the same fiscal year a supplemental grant on its own behalf, the number of students so enrolled may not be counted in computing the amount of the grant for the combination.

(c) *Special purpose grant.* The special purpose grant will be in such amount or amounts as the Commissioner may determine.

(20 U.S.C. 1022, 1023(a), and 1024)

§ 131.12 Availability of grant funds.

Grant funds shall be available to the grantee for expenditure for a period of 1 year following the close of the fiscal year in which the grant was made. For purposes of this section, an expenditure shall be determined in accordance with the grantee's customary fiscal and accounting practices.

(20 U.S.C. 1022 and 1023(a))

§ 131.13 Payment procedures.

Federal payment will be made in accordance with the regulations in this part and the grant award document.

(20 U.S.C. 1021, 1022, 1023, and 1024)

§ 131.14 Effect of Federal payments.

Neither the approval of a grant nor any payment to a grantee shall be deemed to waive the right of the Commissioner to withhold or recover the grant funds by reason of the failure of the grantee to comply with any requirements of the Act, the regulations, or the terms and conditions set forth in the grant award document.

(20 U.S.C. 1022, 1023, and 1024)

§ 131.15 Fiscal accounting and auditing procedures.

(a) *Fiscal accounting.* The grantee shall maintain clearly identifiable accounts, records, and other evidence referred to in § 131.16 in accordance with generally accepted accounting procedures used by the grantee.

(b) *Auditing records.* Each grantee shall make appropriate provision for an audit of program expenditure records. Such records and the reports of the audits thereof shall be made available for inspection and audit by the auditors or other authorized representatives of the Federal Government.

(c) *Adjustments.* Each grantee shall, in maintaining program expenditure accounts, records, and reports, make any necessary adjustments to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from administrative reviews and audits by the Federal Government or by the grantee.

(20 U.S.C. 1022 and 1023(a))

§ 131.16 Retention of records.

(a) Each grantee shall provide for keeping accessible and intact all records supporting claims for Federal funds and relating to the accountability of the grantee for expenditure of matching funds:

(1) For 5 years after the close of the fiscal year in which the expenditure was made by the grantee; or

(2) Until the grantee is notified of the completion of the Federal fiscal audit, whichever is earlier.

(b) The records involved in any claim or expenditure which has been questioned by the Federal fiscal audit shall be further maintained until necessary adjustments have been made and the adjustments have been approved by the Commissioner.

(20 U.S.C. 1022 and 1023(a))

§ 131.17 Reports.

The grantee shall submit to the Commissioner such fiscal and program reports as he may require and in the quantity and at the time stated in the report schedule which will be set forth in the grant award document. The grantee shall also submit periodically to the State agency concerned with the educational activities of all institutions of higher education in the State, if any, reports of its activities under this program.

(20 U.S.C. 1022, 1023(a), and 1028)

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

Approved: May 28, 1969.

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

[F.R. Doc. 69-6580; Filed, June 3, 1969; 8:49 a.m.]

Chapter X—Office of Economic Opportunity

PART 1070—COMMUNITY ACTION

Subpart—Grantee Public Meetings and Hearings

PROGRAM GRANTEE OPERATIONS

Paragraph (a) of § 1070.2-3 *Public meetings after grant of assistance,* is revised to read as follows:

§ 1070.2-3 Public meetings after grant of assistance.

(a) This subpart implements the requirement for public meetings in sections 213(a) and 213(b) of the Economic Opportunity Act. This requirement is applicable throughout the period of assistance to any agency which has received financial assistance under section 123, section 151, section 221, section 222(a), or section 312 of the Economic Opportunity Act. In the case of a Community Action Agency which is not a State, a political subdivision of the State, or a combination of subdivisions, this subpart applies to all activities of that agency. For all other Community Action Agencies, delegate agencies, and other agencies financially assisted under these sections, this subpart applies only to matters which pertain to activities assisted under these sections. An agency may satisfy this requirement for public meetings either by holding regular meetings as specified in subparagraph (1) of this paragraph or by holding special meetings as specified in subparagraph (2) of this paragraph.

* * * * *

Effective date: This revision shall become effective on June 7, 1969.

(Secs. 213 and 602, 81 Stat. 695, 78 Stat. 630; 42 U.S.C. 2796, 2942)

THEODORE M. BERRY,
Director, Community Action Program.

[F.R. Doc. 69-6548; Filed, June 3, 1969; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-587]

PART 73—RADIO BROADCAST SERVICES

Order Regarding Submission of Dates and Times of Field Intensity Measurements in Connection With Standard Broadcast Applications

In the matter of Amendment of Part 73 of the Commission's rules to require submission of dates and times of field intensity measurements in connection with standard broadcast applications.

1. The results of standard broadcast groundwave field intensity measurements taken and analyzed in accordance with the present technical standards may be substantially affected by residual skywave interference and apparent ground conductivity changes occurring seasonally. Such data submitted with applications involving directional antenna systems may be questionable because of time-related environmental conditions.

2. Most engineering consultants include in the tabulation of field intensity measurements information as to the dates and time periods measurements were made. It is believed that this should be incorporated into the rules as a standard requirement, thereby minimizing time-consuming correspondence and expediting the processing of applications.

3. Authority for the adoption of the amendment herein is contained in sections 4(i), 303(f), 303(r), and 319(c) of the Communications Act of 1934, as amended.

4. The changes herein ordered are minimal, and reflect engineering practices already generally observed. Compliance with the notice and effective date provisions of the Administrative Procedures Act (5 U.S.C. section 553) accordingly is unnecessary and would serve no useful purpose.

5. In view of the foregoing: *It is ordered,* That effective June 10, 1969, Part 73 of the Commission's rules and regulations are amended as set forth below.

(Secs. 4, 303, 319, 48 Stat., as amended, 1066, 1082, 1089; 47 U.S.C. 154, 303, 319)

Adopted: May 28, 1969.

Released: May 29, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
BEN F. WAPLE,
Secretary.

Section 73.186(b)(1) is amended to read as follows:

§ 73.186 Field intensity measurements in allocation; establishment of effective field at one mile.

* * * * *

[1] Commissioners Hyde, Chairman; and Bartley absent.

(b) * * *

(1) Tabulation by number of each point of measurement to agree with the map required in (2) below, the date and time of each measurement, the field intensity (E), the distance from the antenna (D) and the product of the field intensity and distance (ED) (if data for each radial are plotted on semilogarithmic paper, see above) for each point of measurement.

* * * * *

[F.R. Doc. 69-6549; Filed, June 3, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 1020; Amdt. 1]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 28th day of May, 1969.

Upon further consideration of Service Order No. 1020 (34 F.R. 6530), and good cause appearing therefor:

It is ordered, That:

§ 1033.1020(a) *Distribution of boxcars* of Service Order No. 1020, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date: This order shall expire at 11:59 p.m., October 31, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1969.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6558; Filed, June 3, 1969; 8:47 a.m.]

[Corrected 2d rev. S.O. 1023]

PART 1033—CAR SERVICE

Demurrage and Detention Charges on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 19th day of May 1969.

Corrected Second Revised Service Order No. 1023 (supersedes Revised Service Order No. 1023, service date April 17, 1969).

It appearing, that petitions seeking modification of Revised Service Order No. 1023 to require that demurrage computations at Atlantic and Gulf ports be on a comparable basis as at other ports have been filed with the Interstate Commerce Commission by the Chicago Association of Commerce on May 2, 1969; the Board of Harbor Commissioners of the city of Milwaukee, Wis., filed on May 12, 1969; the State of Illinois, Department of Business and Economic Development, filed on May 12, 1969; The International Association of Great Lake Ports, filed on May 12, 1969; and the Brown County Board of Harbor Commissioners (Green Bay, Wis.) filed on May 14, 1969; that because of basic differences in the underlying demurrage, storage, and detention rules, regulations, and charges lawfully in effect at the various ports, Revised Service Order No. 1023 would result in substantially higher demurrage charges on traffic subject to progressive demurrage rates than on traffic subject to nonprogressive demurrage rates.

It further appearing, that acute shortages of freight cars still exist throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for loading, unloading, or instructions for movement, in excess of the free time periods established by the applicable demurrage and detention tariffs; that such practices immobilize large numbers of freight cars needed by shippers for transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1023 Demurrage and detention charges on freight cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations, and practices with respect to its demurrage and detention rules, practices, and charges.

(b) *Description of cars subject to this order.* Except as otherwise provided in paragraph (c) herein this order shall apply to freight cars which are subject to demurrage and detention rules applicable to detention of cars.

(c) *Exceptions.* (1) The provisions of this order shall not apply to freight cars listed in the Official Railway Equipment Register, ICC R.E.R. 371 issued by E. J. McFarland, or reissues thereof, as having the following descriptions and mechanical designations:

Mechanical Designation: RA, RAM, RCD, RS, RSB, RSM, RSTC, and RSTM.
Mechanical Designation: SA, SC, SD, SF, SH, SM, SP, and ST.
Mechanical Designation: TA, TAI, TG, TGI, THI, TL, TLI, TM, TMI, TMU, TMUI, TP, TPI, TPA, TPAI, TR, TRI, TVI, TW, and TWI.
Mechanical Designation: XT.

(2) The provisions of this order shall not apply to freight cars while subject to the provisions of agent B. B. Maurer's Tariffs 8-0, ICC H-30; 551-F, ICC H-40; 552-0, ICC H-24; and 719-D, ICC H-27; nor to perishable protective charges published in agent W. T. Jamison's National Perishable Protective Tariff No. 18, ICC 37; supplements thereto, or reissues thereof.

(3) The provisions of this order shall not apply to freight cars while subject to the provisions of Rule 8, Item 935, of Freight Tariff 4-I, ICC H-36, issued by B. B. Maurer, supplements thereto or reissues thereof, or while subject to similar rules or items in other demurrage tariffs lawfully in effect.

(d) *Cars not subject to average demurrage agreement.* (1) When car detention or demurrage is subject to a graduated or progressive rate per car per day, the charges shall be:

(i) The lowest car detention or demurrage rates published in the applicable tariff for such period of time as is provided in the tariff.

(ii) $25 per car per day, or fraction of a day, for all cars subject to the next level of charges published in the applicable tariff for such period of time as is provided in the tariff.

(iii) $50 per car per day, or fraction of a day, for all subsequent detention.

(2) Where car detention or demurrage is subject to a nongraduated or single-factor charge, or is computed on a weight, bushel, or other measurement basis, the charges shall be:

(i) The applicable tariff rate for each of the first 4 chargeable days, or fraction of a day.

(ii) $25 per car per day, or fraction of a day, for each of the next 4 chargeable days.

(iii) $50 per car per day, or fraction of a day, for each subsequent chargeable day.

(e) *Cars subject to an average agreement.* When a car has accrued four debits, a charge of $25 per car per day, or fraction of a day, will be made for each of the next 4 days, or fraction of a day and $50 per car per day, or fraction of a day, will be made for all subsequent detention.

(f) If the application of the detention or demurrage rules published in any tariff lawfully in effect results in detention or demurrage charges greater than those provided in this order, such greater charges shall apply.

(g) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(h) *Regulations Suspended—Announcement Required.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(i) *Effective date.* This order shall become effective at 7 a.m., May 26, 1969.

(j) *Expiration date.* This order shall expire at 6:59 a.m., July 1, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3, acting as an appellate division.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–6559; Filed, June 3, 1969; 8:48 a.m.]

[S.O. 1026–A]

PART 1033—CAR SERVICE

St. Louis Southwestern Railway Co. Authorization To Operate Over Trackage of Illinois Central Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 27th day of May, 1969.

Upon further consideration of Service Order No. 1026 and good cause appearing therefor:

It is ordered, That:

Section 1033.1026, *Service Order No. 1026,* St. Louis Southwestern Railway Co. authorized to operate over trackage of Illinois Central Railroad Co. be, and is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., May 27, 1969; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–6561; Filed, June 3, 1969; 8:48 a.m.]

[S.O. 1027]

PART 1033—CAR SERVICE

Louisville and Nashville Railroad Co. Authorization To Operate Over Certain Trackage of Belt Railway Company of Chicago and Certain Trackage of Chicago and Western Indiana Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of May 1969.

It appearing, That the Louisville and Nashville Railroad Co. has been authorized by the Commission, in Finance Docket No. 25031, to assume ownership of certain lines of the Chicago & Eastern Illinois Railroad Co. extending northward from Evansville, Ind., to Woodland Junction, Ill., including certain branch lines, and to assume a one-half ownership in the line of the Chicago & Eastern Illinois Railroad extending northward from Woodland Junction, Ill., to a connection with the Chicago and Western Indiana Railroad Co. at Dolton Junction, Ill.; that the Louisville and Nashville Railroad Co., in Finance Docket No. 25568, has filed an application with the Commission to operate over trackage of the Chicago and Western Indiana, between a point of connection with the Chicago & Eastern Illinois Railroad Co. at Dolton Junction, Ill., and the end of track at Dearborn Station, Chicago, Ill., a distance of approximately 17 miles; that the Louisville and Nashville Railroad Co., in Finance Docket No. 25653, has filed an application with the Commission to become a proprietor of The Belt Railway Company of Chicago and to operate over trackage of The Belt Railway Company of Chicago under the terms of that company's amended operating agreement dated September 1, 1962; that all of the above described operations by the Louisville and Nashville Railroad Co. over trackage presently used by the Chicago & Eastern Illinois Railroad Co. are required by the Commission, in Finance Docket No. 25031, to be consummated on or before June 2, 1969; that the Commission is of the opinion that operation by the Louisville and Nashville Railroad Co. over this trackage of the Chicago and Western Indiana Railroad Co. and of The Belt Railway Company of Chicago, is a necessary adjunct to the operations by the Louisville and Nashville Railroad Co. of the above-described trackage of the Chicago & Eastern Illinois Railroad Co. in the interest of the public and the commerce of the people, pending final dispositions of the applications of the Louisville and Nashville Railroad Co., in Finance Dockets Nos. 25568 and 25653; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1027 Service Order No. 1027.

Louisville and Nashville Railroad Co. authorized to operate over certain trackage of the Belt Railroad Company of Chicago and over certain trackage of the Chicago and Western Indiana Railroad Co.

The Louisville and Nashville Railroad Co. be, and it is hereby, authorized to operate over tracks of the Chicago and Western Indiana Railroad Co. between a point of connection with tracks of the Chicago & Eastern Illinois Railway Co. in the vicinity of Dolton Junction, Ill., and the end of track at Dearborn Station, Chicago, Ill., a distance of approximately 17 miles; and that the Louisville and Nashville Railroad Co. be, and it is hereby, authorized to operate over trackage of The Belt Railway Company of Chicago in accordance with the terms of that company's amended operating agreement, dated September 1, 1962.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Louisville and Nashville Railroad Co. over trackage of the Chicago and Western Indiana Railroad Co. and over trackage of The Belt Railway Company of Chicago is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Louisville and Nashville Railroad Co. over tracks of the Chicago and Western Indiana Railroad Co. and over tracks of The Belt Railway Company of Chicago, shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., June 2, 1969.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-6560; Filed, June 3, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

CEREAL LEAF BEETLE

Proposed Quarantine in Kentucky, New York, and West Virginia

Notice of public hearing on extending quarantine to the States of Kentucky, New York, and West Virginia and notice of rule making relating to the amendment of such quarantine and supplemental regulations:

The Administrator of the Agricultural Research Service has information that the cereal leaf beetle, *Oulema melanopus*, a dangerous insect injurious to small grains, corn, and grasses, which has been found to exist in certain parts of Illinois, Indiana, Michigan, Ohio, and Pennsylvania, has been discovered in certain parts of the States of Kentucky, New York, and West Virginia.

Notice is hereby given that it is proposed, under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to quarantine the States of Kentucky, New York, and West Virginia and to regulate, under the cereal leaf beetle quarantine and supplemental regulations (7 CFR 301.84, 301.84–1 et seq.), the interstate movement from these States into or through any other State, territory, or district of the United States of: (1) Small grains, such as barley, oats, and wheat, except grain sorghum; (2) soybeans; (3) ear corn (shelled corn is not regulated); (4) straw and hay, including marsh hay, except pelletized hay; (5) grass sod; (6) grass and forage seed; (7) fodder and plant litter; (8) used harvesting machinery; and, (9) any other products, articles, or means of conveyance of any character whatsoever, when it is determined by an inspector that they present a hazard of spread of cereal leaf beetle, and the person in possession thereof has been so notified.

Further, notice is hereby given, under the administrative procedure provisions of 5 U.S.C. 553, that the Agricultural Research Service proposes to amend the cereal leaf beetle quarantine and supplemental regulations thereunder (7 CFR 301.84, 301.84–2a) by adding Kentucky, New York, and West Virginia to the States designated as quarantined and specifying regulated areas in said States for purposes of the regulations if it is determined that such action is necessary.

Most of the restrictions would apply to the movement of regulated articles from regulated areas. Less than an entire State would be designated as a regulated area only if the State is undertaking sufficient quarantine action to prevent the intrastate spread of the cereal leaf beetle and if the regulation of less than an entire State would otherwise be sufficient to prevent the interstate spread of the pest. Regulated areas would be restricted to portions of the State in which infestations have been found or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Effective and practical treatments or other procedures have been developed to allow the interstate movement of regulated articles from regulated areas. The only restrictions which would apply to the interstate movement of regulated articles from nonregulated portions of the quarantined States relate to proof of origin of the regulated articles and to safeguarding the articles from infestation if they traverse a regulated area.

A public hearing to consider the above proposals will be held before a representative of the Agricultural Research Service at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky. 40508, at 10 a.m., e.d.t., on July 15, 1969, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals.

Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before July 11, 1969, or with the presiding officer at the hearing. All written submissions received pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 26th day of May 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69–6545; Filed, June 3, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 401]

[CGFR 69–46]

GREAT LAKES PILOTAGE RULES AND RATES

Notice of Proposed Rule Making and Public Hearing

Notice is hereby given that the U.S. Coast Guard is considering certain amendments to the regulations governing Great Lakes pilotage services. On April 27, 1968, these regulations were amended (33 F.R. 6477). The preamble to that amendment stated that the Coast Guard would continue to examine and study the system with the objective of improving its efficiency and effectiveness. This continuing review has resulted in the amendments proposed herein.

Interested persons are invited to submit data, views, and comments with respect to any of the proposed amendments. Submissions may be made in writing to the Commandant (AWL), U.S. Coast Guard, Washington, D.C. 20591, by June 23, 1969. In addition, interested persons may present data, views, and comments orally, or in writing, at a public hearing to be held on June 19, 1969, at 1240 Ninth Street, Cleveland, Ohio, at 9:30 a.m. The hearing will be an informal one conducted by a representative of the Commandant. It will not be a judicial or evidentiary type of hearing so there will be no cross examination of persons presenting statements. A representative of the Commandant will make an opening statement presenting a brief summary of the proposed amendments. Interested persons will then have an opportunity to present their initial oral statements. Their statements should focus on the issues raised by the notice and duplicate as little as possible written comments already made. After all initial statements have been completed those persons who wish to make a rebuttal statement will be given an opportunity to do so in the same order in which they made their initial statement. Additional procedures for the conduct of the hearing will be announced at the hearing. A transcript of the hearing will be made. Anyone may buy a copy of the transcript from the reporter.

1. The Coast Guard has been continually reviewing the number of registered pilots in order to achieve an efficient balance between that number and pilotage workload. Pilot staffing based on peak period workloads is obviously inefficient and costly. In order to insure that pilotage rates are kept to the absolute minimum while insuring that an adequate number of pilots will be available to meet peak workloads, the Coast Guard believes that the procedures under which the Director of Great Lakes Pilotage may temporarily register additional pilots should be simplified. Accordingly, it is proposed to amend § 401.220(e) to accomplish this.

2. Under present § 401.400(b) charges for interruptions, such as loading or discharging cargo, are limited to those occurring in designated waters. An exception is made to this charge if the interruption is caused by traffic unless it occurs during the period beginning December 1st and ending on the 8th of the following April. The Coast Guard believes that charges for interruptions

should be levied in all waters, regardless of whether they are designated or undesignated. In addition, the Coast Guard believes that charges should be levied for interruptions caused by traffic congestion unless that congestion is due to weather conditions. It is also believed, however, that the present exceptions to interruption charges should be expended to cover interruptions due to the malfunctioning of locks and similar or associated devices regardless of the time of year in which the interruption occurs. As § 401.400 is limited to the establishment of rates and charges in designated waters, if paragraph (b) of that section were to be amended as outlined above, it would be transferred to present § 401.420.

3. It is essential that the remuneration for pilotage services be adequate to sustain a competent body of pilots and to attract qualified applicants. Conversely, the costs to vessel operators for pilotage should be proportionate to the service which they need and receive. Obviously a balancing of factors is necessary to the determination of equitable pilotage rates. Neither operations costs nor operational needs of Great Lakes pilotage are static. The shipping patterns of the Great Lakes and the number of pilots required to provide efficient service must be under constant review. The increases in the proposed rate structure are computed to accommodate the projected pilotage requirements for the 1969 season.

4. At present, pilotage rates are determined on a per transit basis without regard to vessel size. The appropriateness of such a method is questionable. The average size of vessels transiting the lakes has been increasing. Larger vessels are generally considered more difficult to maneuver, capable of causing more damage, and carry substantially more cargo. It is therefore contemplated that, as a part of the Coast Guard's continuing review, a study be conducted to determine a more equitable method for establishing pilotage rates by relating the fees to the size of vessel.

In view of the foregoing, it is proposed to amend Part 401 of Title 46 of the Code of Federal Regulations (46 CFR Part 401) as follows:

I. It is proposed to amend § 401.220(e) as follows:

§ 401.220 Registration of pilots.

* * * * *

(e) The Director may, when necessary to assure adequate and efficient pilotage service, issue a temporary certificate of registration for a period of less than 1 year to any person found qualified under this subpart, regardless of age.

II. It is proposed to amend § 401.400 to read as follows:

§ 401.400 Rates and charges on designated waters.

Except as provided under 401.420 of this subpart, the following rates and charges shall be payable for all services and assignments performed by United States or Canadian Registered Pilots in the following areas of the U.S. waters of the Great Lakes described in 401.300, pursuant to the Memorandum of Arrangements, Great Lakes Pilotage:

(a) *District No. 1.*

(1) Between Snell Lock and Cape Vincent or Kingston via Wolfe Island Channel—$284.

(2) Between Snell Lock and Cardinal, Prescott or Ogdensburg—$143.

(3) Between Cardinal, Prescott, or Ogdensburg and Cape Vincent or Kingston via Wolfe Island Channel—$207.

(4) Cape Vincent to Kingston—$65.

(5) For pilotage commencing or terminating at any point above Snell Lock other than those named in items (1) to (4), $2.85 per mile but with a minimum charge therefor of—$64.

(6) For a movage in any harbor—$78.

(b) *District No. 2.*

(1) Passage through the Welland Canal or any part thereof, $7.75 for each mile plus $23 for each lock transited but with a minimum of $78 and a maximum for a through trip of $310. When pilots are changed at Lock 7 on a through trip the charges are apportioned as follows:

(i) Between northerly limits and Lock 7—$155.

(ii) Between Lock 7 and southerly limits—$155.

(2) Between Southeast Shoal or any point on Lake Erie west thereof and any point on the St. Clair River or the approaches thereto as far as the northerly limit of the District—$234.

When pilots are changed at Detroit/Windsor on a through trip the charges are apportioned as follows:

(i) Between Southeast Shoal or any point on Lake Erie west thereof and Detroit/Windsor—$117.

(ii) Between Detroit/Windsor and the northerly limits—$117.

(3) Between Southeast Shoal and any point on Lake Erie west thereof or on the Detroit River—$148.

(4) Between any point on Lake Erie west of Southeast Shoal and any point on the Detroit River—$148.

(5) Between points on Lake Erie west of Southeast Shoal—$78.

(6) Between points on the Detroit River—$78.

(7) Between any point on the Detroit River and any point on the St. Clair River or its approaches as far as the northerly limit of the District—$148.

(8) Between points on the St. Clair River including the approaches thereto as far as the northerly limit of the District—$117.

(c) *District No. 3*

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corp. Wharf at Sault Ste. Marie, Ontario—$302.

(2) Between the southerly limit of the District and Sault Ste. Marie, Mich., or any point in Sault Ste. Marie, Ontario, other than the Algoma Steel Corp. Wharf—$250.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corp. Wharf, or Sault Ste. Marie, Mich.—$113.

(4) For a movage in any harbor—$78.

III. It is proposed to revise § 401.410 to read as follows:

§ 401.410 Rates and charges on undesignated waters.

(a) Except as provided under 401.420 and subject to paragraph (b) of this section, the charges to be paid by a ship that has a Registered Pilot on board in the undesignated waters of Lake Ontario shall be $72 and in other undesignated waters shall be $78 for each 24-hour period or part thereof that the pilot is on board. In addition, there will be the following charges: (1) $39 for each time the pilot performs the docking or undocking of the ship on entering or leaving the harbor or performs a movage of the ship within a harbor, and (2) the travel expenses reasonably incurred by a pilot in joining the ship and returning to his base.

(b) When a Registered Pilot is carried on a ship in a direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, the charges referred to in paragraph (a) of this section are not payable unless, (1) the ship is required by law to have a Registered Pilot on board in those waters, or (2) services are performed by the pilot in those waters at the request of the master.

IV. It is proposed to revise § 401.420 to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) Whenever in designated or undesignated waters a Registered Pilot reports for duty as ordered and the order is canceled, the charges to be paid by the ship shall be (1) a cancellation charge of $39, (2) if the cancellation occurs more than 1 hour after the time the pilot was ordered to report, there will be a further charge of $7.75 for each hour or part of an hour after the first hour, except that the aggregate charge payable in any 24-hour period shall not exceed $117, and (3) if the ship is in the undesignated waters, the travel expenses reasonably incurred by the pilot in joining the ship and returning to his base.

(b) Whenever in designated or undesignated waters, the departure or movage of a ship for which a Registered Pilot has been ordered is delayed for the convenience of the ship for more than 1 hour after the pilot reports for duty or after the time for which he was ordered, whichever is the later, or when a pilot is detained on board a ship for the convenience of the ship for more than 1 hour after the end of the assignment for which he was ordered, there shall be payable an additional charge of $7.75 per hour after the first hour of such a delay, but the aggregate of these additional charges shall not exceed $117 for any 24-hour period.

(c) When the passage of a ship through either designated or undesignated waters is interrupted for the purpose of loading or discharging cargo or for any other reason and the services of the Registered Pilot are retained during such interruption for the convenience of the ship, the ship shall be required to pay an additional charge of $7.75 for each hour or part of an hour during which each interruption lasts, but with a maximum of $117 for each 24-hour period of such interruption. However, there is no charge for any interruption caused by ice, weather, or

traffic delay caused by weather, except during the period beginning the first day of December and ending on the 8th day of April next following. In addition, no charges will be made for interruption caused by malfunction of locks and similar or associated devices.

The foregoing amendments are proposed under the authority of sections 4 and 5 of the Great Lakes Pilotage Act of 1960, as amended (46 U.S.C. 216 and 216c); section 6(a)(4) of the Department of Transportation Act (49 U.S.C. 1655(a)(4); and 49 CFR 1.5(q)(1)).

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

J. R. SCULLION,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-6557; Filed, June 3, 1969; 8:47 a.m.]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-33]

TRANSITION AREA

Proposed Alteration

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

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

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

Since designation of the Albert Lea, Minn., transition area, the instrument approach procedure for Albert Lea Municipal Airport has been modified. In addition, the criteria for the designation of transition areas have changed. Accordingly, it is necessary to alter the Albert Lea transition area to adequately protect aircraft executing the modified approach procedure and to comply with the new transition area criteria.

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

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

ALBERT LEA, MINN.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Albert Lea Municipal Airport (latitude 43°40'50" N., longitude 93°22'05" W.); and within 3 miles each side of the 343° bearing from Albert Lea Municipal Airport, extending from the 5½-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 163° and 343° bearings from Albert Lea Municipal Airport, extending from 6 miles south to 18½ miles north of the airport, excluding the portion which overlies the Hope, Minn., transition area.

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

Issued in Kansas City, Mo., on May 16, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-6543; Filed, June 3, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESE AND CHEESE PRODUCTS

Standards for Certain Cheese Varieties; Use of Safe and Suitable Milk-Clotting Enzymes

Notice is given that the Commissioner of Food and Drugs, on his own initiative, proposes amendment of those cheese standards that now list only rennet to provide for optional use of other safe and suitable milk-clotting enzymes for cheesemaking. The standards for cheddar cheese, washed curd cheese, colby cheese, granular cheese, and swiss cheese (21 CFR 19.500, 19.505, 19.510, 19.535, 19.540) have previously been amended to permit use of other safe and suitable milk-clotting enzymes. The standards for 19 additional varieties of cheese are similarly amended by an order appearing elsewhere in this issue of the FEDERAL REGISTER.

The Commissioner's proposal is to amend the standards for cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, gruyere cheese, samsoe cheese, blue cheese, gorgonzola cheese, nuworld cheese, roquefort cheese, and cook cheese (§§ 19.515, 19.520, 19.525, 19.530, 19.543, 19.544, 19.565, 19.567, 19.569, 19.570, 19.635).

This proposal is made with a view to providing alternatives to the use of animal rennet in the above-named cheese varieties, supplies of that enzyme no longer being adequate to fill the needs of cheesemakers. It is recognized that one or more suitable milk-clotting enzymes in addition to rennet are available for making these cheese varieties, and it is concluded that the cheesemaker should be permitted to select from among the milk-clotting enzymes that may safely be used the enzyme or combination of enzymes most suitable for his product.

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

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-6532; Filed, June 3, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 501]

LABELS OF WOOL, TEXTILE, AND FUR PRODUCTS, WEARING APPAREL AND RELATED PRODUCTS

Exemptions From Certain Requirements of Fair Packaging and Labeling Act

On June 15, 1968, the Federal Trade Commission published in the FEDERAL REGISTER (33 F.R. 8778) proposed rules exempting certain commodities from full or partial compliance with section 4 of the Fair Packaging and Labeling Act and the Commission's regulations issued pursuant thereto as published in the FEDERAL REGISTER of March 19, 1968 (33 F.R. 4718-4724). Sixty (60) days from the date of publication were allowed for the submission of comments regarding the proposed exemptions by interested parties.

Among the exemptions proposed was a regulation exempting commodities subject to the provision of the Wool Products Labeling Act of 1939 (54 Stat. 1128; 15 U.S.C. 68), and the Textile Fiber Products Identification Act (72 Stat. 1717; 15 U.S.C. 70), and the regulations thereunder, from the requirement of §§ 500.4 and 500.5 of the Commission's section 4, Fair Packaging and Labeling Act regulations. The proposed rule further provided that wearing apparel, mattresses, box springs, pillows, umbrellas, and parasols, ironing board cover pads, flags, cushions, afghans, throw, sleeping bags, antimacassars and tidies, hammocks, dresser

and other furniture scarfs shall be fully exempted from the requirements of the regulations. Comments received regarding this proposal indicated that the proposed exemption did not meet all of the labeling problems extant in the textile industry. In addition, the mention of fur products was omitted. The Commission is of the opinion, therefore, that new proposals should be published which will more adequately meet various labeling problems which have been brought to the attention of the Commission.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1300; 15 U.S.C. 1454, 1455), the following regulation is proposed in lieu of § 501.6 published on June 15, 1968 (33 F.R. 8779):

§ 501.6 Wool products, textile products, fur products, wearing apparel, and related products.

(a) Commodities subject to the provisions of the Wool Products Labeling Act of 1939 (54 Stat. 1128; 15 U.S.C. 68), and the Textile Fiber Products Identification Act (72 Stat. 1717; 15 U.S.C. 70), and the regulations thereunder shall be exempt from the requirements of § 500.5 (name and place of business of the manufacturer, packer or distributor) of this chapter. Pillows, cushions, umbrellas, parasols, ironing board covers, antimacassars and tidies shall be exempt from the requirements of the regulations in Part 500 of this chapter. Fur products subject to the Fur Products Labeling Act of 1957 (65 Stat. 175; 15 U.S.C. 69) and the regulations thereunder shall be exempt from the requirements of the regulations in Part 500 of this chapter.

(b) Wearing apparel (including nontextile apparel and accessories such as leather goods and footwear) sold as single unit items or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single unit pairs shall in addition to the exemption provided in subpart (a) of this section which may apply, be exempt from the requirements for a net quantity statement by count as required by § 500.7 (net quantity of contents, method of expression) of this chapter.

(c) Bed sheets, pillowcases, blankets, bedspreads, afghans, throws, flags, dresser and other furniture scarfs, sleeping bags, curtains, drapes, face cloths, table cloths and napkins, in addition to the exemption provided in subpart (a) of this section, shall be exempt from the requirements of § 500.12 (measurement of commodities by length and width, how expressed) of this chapter provided that:

(1) The net quantity statement for fitted sheets shall be expressed in terms of length and width measurement in inches of the size of mattress which the sheet will fit. The principal display panel may also contain a designation for the size of mattress which the sheet will fit such as "twin," "double," "king," etc.

(2) The net quantity statement for nonfitted or flat sheets shall be expressed in terms of the finished length and width measurements of the sheet in inches immediately followed in parentheses by a statement of the length and width of the sheet prior to hemming in inches, such parenthetical expression to include the phrase "size before hemming" or words of similar import in the same type size as the required statement. The principal display panel may also contain a designation for the size of the mattress which the sheet was intended to fit such as "twin," "double," etc.

(3) The net quantity statement for pillowcases shall be expressed in terms of the finished length and width measurements in inches of the pillowcase immediately followed in parentheses by a statement of length and width in inches of the pillowcase prior to hemming, such parenthetical expression to include the qualification "size before hemming" or "pre-hemming size." A designation of the size of the pillow which the pillowcase will fit may be included such as "regular," "queen," "king," "bolster," etc.

(4) The net quantity statement for blankets, bedspreads, afghans, and throws shall be expressed in terms of the finished length and width measurements in inches exclusive of any fringe ornamentation. A designation of the size of the mattress which the commodity is intended to fit may be included such as "twin," "double," "king," "queen," etc.

(5) The net quantity statement for curtains, drapes, face cloths, flags, dresser and other furniture scarfs shall be expressed in terms of linear dimensions in inches for the finished size.

(6) The net quantity statement for table cloths and napkins shall be expressed in terms of finished length and width in inches followed in parentheses by a statement of length and width in inches in terms of the cut size (size before hemming) and properly identified as such.

(7) The net quantity statement for sleeping bags shall be expressed in terms of the finished length and width measurements of the bag in inches qualified by the words "Finished Size". This statement may be followed in parentheses by a statement of the length and width of the bag prior to finishing in inches, such parenthetical expression to include the phrase "Cut Size".

(d) Carpets and rugs shall, in addition to the exemption provided in Subpart (a) of this section, be exempt from the requirements of § 500.12 (measurement of commodities by length and width, how expressed) of this chapter provided that the net quantity statement shall be expressed in terms of length and width in feet with any remainder in common or decimal fraction of the foot or in inches.

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: May 29, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-6574; Filed, June 3, 1969; 8:48 a.m.]

[16 CFR Part 501]

LABELS OF MOTOR OIL

Exemptions From Certain Requirements of Fair Packaging and Labeling Act

The Federal Trade Commission has received from the Lowe Oil Co., Clinton, Mo. 64735, and the Diamond Head Oil Refining Co., Kearny, N.J. 07032, proposals to exempt 1 quart cans of motor oil from certain of the labeling requirements of § 500.4 of the regulations issued pursuant to the Fair Packaging and Labeling Act. Specifically, the proposals would permit the placing of the SAE grade and the fact that a detergent is present in the oil, on the lid of the can in lieu of placing these specifications of identity on the principal display panel on the body of the can when such panel is designed to appear on the can body.

The object of the proposal is to minimize the number of different can bodies necessary to pack the various motor oils by indicating some of the variables on the can lids. The petitioners state that it has been the custom of the industry for many years to designate the SAE grade and the detergency on the can lid.

The Commission has also considered the practice of the industry and has concluded that no decrease in consumer information is involved in continuing the practice of expressing certain variable specifications of identity on the can lids in lieu of expressing these specifications on the principal display panel. The Commission also, in light of the data available to it, finds that the proposed exemption requested by the petitioners should be broadened to include one gallon cans, and that the manner of expressing the variables on can lids should be expressly stated.

Therefore, the Commission acting on its own initiative in part, and in part on the petitions submitted to it, concludes that an exemption from the requirements of Section 500.4 of the regulations is justified. Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1300; 15 U.S.C. 1454, 1455) the following regulation is proposed.

§ 501.12 Motor oil.

Motor oil in 1 quart and 1 gallon cans bearing the principal display panel on the body of the can, is exempt from the requirements of § 500.4 of this chapter to the extent that the SAE grade and the presence of a detergent is required to appear on the principal display panel, provided the SAE grade and the presence of a detergent appear on the can lid, and the SAE grade is expressed in letters and numerals in type size of at least one-fourth inch in the case of 1 quart cans, and at least one-half inch in the case of 1 gallon cans.

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on

this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: May 29, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-6575; Filed, June 3, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Lending Institutions Formed To Facilitate Funding to Licensees

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 33 F.R. 326, and amended in 33 F.R. 11147, 33 F.R. 20035, 34 F.R. 1234, and 34 F.R. 5796, by adding a new § 107.813. Prior to final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Office of Investment, Small Business Administration, Washington, D.C. 20416, within a period of ten (10) days of the date of this notice in the FEDERAL REGISTER.

Information. The proposed amendment would enable Licensees to participate with each other and with other persons in the formation and financing of organizations and arrangements designed to facilitate funding to Licensees.

It is proposed that Part 107 be amended by adding the following new § 107.813:

§ 107.813 Lending institutions formed to facilitate funding to Licensees.

Subject to prior written approval of SBA, a Licensee may invest an amount equal to no more than one-half (½) of 1 percent of its combined private paid-in capital and paid-in surplus in the capital stock, obligations or other securities of a lending institution formed for the sole purpose of providing and/or facilitating funding to Licensees. SBA's approval may be conditioned on such reasonable terms and conditions as it deems appropriate.

Dated: May 29, 1969.

HILARY SANDOVAL, JR., *Administrator.*

[F.R. Doc. 69-6582; Filed, June 3, 1969; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1002]

[Ex Parte No. 246]

FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED ACTIVITIES

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 20th day of May 1969.

Title V of the Act of August 31, 1951 (Public Law 82-137, 65 Stat. 290, 31 U.S.C. § 483a), expresses the policy of Congress "that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person * * * except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible * * *." In order to accomplish this objective, this statute authorizes the head of each agency to prescribe by regulation such fees and charges as he shall determine to be fair and equitable "taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts." The Bureau of the Budget in implementing this policy, issued Circular A-25, September 23, 1959, which set forth general policies for developing an equitable and uniform system of charges for certain Government services.

In the initial report herein, 326 ICC 573, decided June 6, 1966, and again in the supplemental report 329 ICC 814, decided August 21, 1967, the Commission prescribed a schedule of fees applicable to those activities under its jurisdiction which fell within the purview of the Independent Offices Appropriation Act 1952 (31 U.S.C.A. § 483a). In so doing, the Commission recognized that the data relating to costs might not be as extensive as desired, and that changes in that respect and in other aspects of the general regulatory and transportation situation would present problems which could not then be foreseen. Accordingly, the Commission stated, "* * * that a continuing review of the fee schedule as well as costs and procedures would be conducted, so that the ultimate goals of Congress might be preserved." (329 ICC 814.)

The Commission in its continuing review of costs and procedures relating to the fee schedule has been guided by the expression of concern shown in the July 9, 1968, Report of the Senate Committee on Appropriations following the 1969 appropriations hearing (S. Rept. No. 1375, 90th Cong. second session). There the Committee stated, "The Committee joins with the House Committee in its concern that the Federal Government is not receiving sufficient return for all the services which it renders to special beneficiaries, and in its recommendation that the applicable agencies review their schedule of fees and charges with a view to making increases or adjustments as may be warranted, taking into consideration beneficial certificates and privileges granted, to offset in part the increasing needs for direct appropriations for operating costs of the agencies concerned."

The Commission in conducting its regulatory activities, confers special benefits on identifiable recipients above and beyond those which accrue to the public and it is, therefore, proper, and in implementation of the sense of Congress as indicated above, that these recipients should bear a greater share of the Commission's costs incurred in the disposition of these matters. At the same time, it is clear that some part of the Commission's expense should be borne by the Commission's general appropriation.

The Commission has reviewed its activities to identify services which result in special benefits to an identifiable recipient but for which no charges are made. Appendix A to this order lists thirteen services which fall within the established guidelines of BOB Circular A-25 and should be included in the Commission's schedule of fees. The proposed fees set forth in Appendix B represent approximately one-half of the average direct costs incurred by the Commission in relation to the various matters involved, and, in its opinion, represent reasonable recoveries in relation to the benefits. In allocating 50 percent of the full costs for performing the service to the public interest, the Commission adheres to the theory expounded in the initial and supplemental reports in Ex Parte No. 246. However, the Commission has reviewed those types of proceedings wherein the time involved, which forms the basis for costs, greatly distorts cost figures based on average, more specifically the rail merger and the rate division cases. In these proceedings, a supplemental fee is proposed if the actual costs to the Commission exceeds the estimated costs as shown in Appendix B. The supplemental fee will be 50 percent of the actual costs in excess of the estimate.

In the matter of fees for performing annual pipeline valuations, the Commission at the present time does not charge any fee for this service. In view of the congressional interest as expressed in the report of the Conference Committee on Independent Executive Bureaus, Boards, Commissions, Corporations, Agencies, Offices, and the Department of Housing and Urban Development Appropriations (H. Rept. No. 1904, 90th Cong., second session, Sept. 18, 1968) the Commission hereby proposes to establish fees for the performance of initial and

annual pipeline valuations. The Commission proposes to allocate 100 percent of the cost for performing this service to value to the recipient since it appears that such valuations serve a minimal public interest.

As indicated above, with exception of pipeline valuations, the proposed schedule of fees attached hereto as Appendix B was arrived at by averaging the cost of each type of proceeding itemized in the schedule; allocating half of this cost to the public interest involved; and, allocating the remainder or 50 percent of the cost to the special benefits conveyed to identifiable recipients above and beyond those ascribed to the general public.

It appearing, that in determining the proposed schedule of fees set out in Appendix B hereto considerable effort has been directed towards selecting those services provided by the Commission which are readily identifiable and assigning to each a fair and equitable assessment taking into consideration cost to the Government, value to the recipient, and public policy or interest served;

And it further appearing, that interested persons might suggest other, possibly more equitable means of arriving at a schedule of fees consistent with the Independent Offices Appropriation Act of 1952, and BOB Circular A–25 particularly with regard to assessing a value on the service to the beneficiary or in arriving at a value factor for the public policy or interest served;

It is ordered, That this proceeding be, and it is hereby, reopened under authority of the Independent Offices Appropriation Act of 1952 (31 U.S.C.A. § 483a), Budget Bureau Circular No. A–25 of September 23, 1959, and section 4 of the Administrative Procedure Act (5 U.S.C. sec. 553) for the purpose of determining (1) whether the attached schedule of fees is reasonable, and if not, what fees would be reasonable, and (2) what other basis of assessing fees, other than cost to the Commission, might be more equitable to the general public and to the recipient of the benefit or service;

It is further ordered, That any interested person be, and he is hereby, invited to submit to this Commission on or before August 1, 1969, representations[1] consisting of an original and 20 copies, setting forth facts relative to the schedule of fees in Appendix B hereto;

And it is further ordered, That a copy of this order be served on the Public Utility Commissions or Boards, or similar regulatory bodies, of each State; that a copy be posted in the Office of the Secretary of the Interstate Commerce Commission for public inspection; and, that a copy be delivered to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

APPENDIX A—NEW ITEMS TO BE CONSIDERED FOR INCLUSION IN THE COMMISSION'S SCHEDULE OF USER FEES

1. Application for basic (original) valuation of a pipeline carrier's operating property. Section 19a.

2. Application for each annual valuation of a pipeline carrier's operating property as of the close of any calendar year following the carrier's basic valuation. Section 19a.

3. Tariffs, schedules, supplements, and revised or additional original looseleaf pages (a page shall consist of each side of a sheet of a tariff, schedule, supplement, or looseleaf page containing printed matter).

4. Freight forwarder contracts and amendments thereto. Section 409.

5. An application for original qualification as an insurer, surety of self-insurer.

6. An annual qualification service fee for insurer, surety or self-insurer.

7. A petition for waiver of any provision of the lease and interchange regulations. 49 CFR Part 1057.

8. A petition for reinstatement of revoked operating authority.

9. A request that the Commission amend its records to reflect a change in the name of a motor carrier, water carrier, or freight forwarder not involving a change in ownership, management, or control, that is subject to the jurisdiction of the Commission.

10. A petition to define or redefine a commercial zone, or to remove the exemption applicable to commercial zone movements. Section 203(b)(8).

11. A petition for a declaratory order. 5 U.S.C. § 554(e).

12. A complaint seeking or a petition requesting institution of an investigation seeking the prescription of divisions of joint rates, fares or charges. Section 15(6).

13. An application for emergency temporary authority as defined in 49 CFR section 1131.1(b)(1).

APPENDIX B—PROPOSED INCREASES IN FEES FOR ITEMS IN THE COMMISSION'S SCHEDULE OF USER FEES

Item No.	Item	Cost estimate	Proposed fee
(a)	(b)	(c)	(d)
1	An application for a certificate authorizing the construction, extension, acquisition, operation or abandonment of all or a portion of a line of railroad. Section 1 (18)–(20).	$1,375	$700.
2	Application for permanent authority under sections 204(a)(4a), 206, 206(a)(6), 209, 211, 302, 303, 309, or 410.	$693	$350.
3	An application for temporary authority under sections 210a(a), 210a(b), 311(a) or 311(b), or an application for emergency temporary authority as defined in 49 CFR section 1131.1(b)(1).	$126	$60.
4	An application to consolidate or merge properties or franchises; to purchase, lease or contract to operate properties, or to acquire control of by purchase of stock or otherwise; or to acquire trackage rights over, joint ownership in, or joint use of railroad lines and terminals incidental thereto. Section 5(2).	$1,419	$700.[1]
5	A petition to renew authority to transport explosives under section 206 or 209.	$7	$5.
6	A petition to modify permits of motor carriers by the addition of a shipper or shippers for whom service may be performed. Section 209.	$106	$50.
7	A petition to remove or alter an operating restriction contained in a certificate or permit and petitions seeking modification, clarification or interpretation of a certificate or permit. (No fee is required for a request seeking the modification of a certificate or permit only to the extent of making a correction or a change in the name presently appearing therein of (a) a shipper or owner of a plant site, or (b) a geographical point or highway).	$405	$200.
8	An application for authority to deviate from authorized regular route, 49 CFR 1042.	$30	$15.
9	Notice or petition to discontinue train or ferry service. Section 13(a)	$1,313	$650.
10	An application for use of terminal facilities, section 3(5)	$301	$150.
11	An application for the pooling or division of traffic. Section 5(1)	$213	$100.
12	An application for a determination of fact of competition. Section 5(15)	$213	$100.
13	An application for approval of, or to amend a rate association agreement. Section 5a.	$590	$300.
14	An application for authority to hold a position as officer or director. Section 20a(12).	$18	$10.
15	An application to issue securities, to assume obligation or liability in respect to securities of another, to modify an outstanding authorization, or for exemption from competitive bidding requirements of Ex Parte No. 158, 49 CFR 1115.25. Section 20a, 20b, or 214.	$427	$200.
16	An application for transfer or lease of a certificate or permit, including a certificate of registration; a broker license, or change of control of companies holding brokers' licenses; or a petition to transfer a water carrier exemption authorization to the successor. Section 212(b), 302, 303, 312 or 410(g).	$220	$100.
17	An application for approval of a motor vehicle rental contract. 49 CFR section 1057.6.	$61	$30.
18	An application for relief from the long- and short-haul and aggregate-of-intermediates provisions, including applications for relief with respect to additional commodities, origins or destinations, but not including petitions for modification of conditions, effective or not yet effective of outstanding orders, or amendments to applications not yet disposed of. Section 4.	$468	$250.
19	An application for authority to establish released value rates or ratings, except that no fee will be assessed for applications seeking such authority in connection with reduced rates established to relieve distress caused by drought and other calamitous visitation under section 22(1) of the Act. Sections 20(11), 219, 413.	$382	$200.
20	An application for special permission for short notice or the waiver of tariff-publishing requirements, including applications to extend or eliminate the scheduled expiration date of an outstanding special permission or to broaden the application thereof to additional territory or tariffs, except amendments to pending applications not yet disposed of, and applications to postpone the effectiveness of suspended schedules, when carrier or agent is requested to do so, in order to afford the Commission more time for disposition of the proceeding or to postpone the scheduled effective date of protested schedules or those for which a fourth-section application has been filed, in order to afford the boards more time within which to process the protests or applications.	$40	$20.

[1] In lieu of verification under oath, any statement of facts contained in the representations may be made subject to the following declaration: "I solemnly declare that I have examined the foregoing document and that to the best of my knowledge and belief the representations of fact contained therein are true."

(Signature)

APPENDIX B—PROPOSED INCREASES IN FEES FOR ITEMS IN THE COMMISSION'S SCHEDULE OF USER FEES—Con.

Item No.	Item	Cost estimate	Proposed fee
(a)	(b)	(c)	(d)
21	Application for basic (original) valuation of a pipeline carrier's operating property. Section 19a.	$20 per hour	$20 per hour.
22	Application for each annual valuation of a pipeline carrier's operating property as of the close of any calendar year following the carrier's basic valuation. Section 19a.		(?).
23	Tariffs, schedules, supplements, and revised or additional original loose-leaf pages (a page shall consist of each side of a sheet of a tariff, schedule, supplement, or loose-leaf page containing printed matter).	$1 per page	$0.50 per page.
24	Freight forwarder contracts and amendments thereto. Section 409	$3 per contract	$1 per contract.
25	An application for original qualification as an insurer, surety, or self-insurer.	$130	$65.
26	An annual qualification service fee for insurer, surety, or self-insurer	$13	$10 per accepted certificate of insurance or surety bond ($50 minimum).
27	A petition for waiver of any provision of the lease and interchange regulations, 49 CFR Part 1057.	$69	$35.
28	A petition for reinstatement of revoked operating authority	$136	$60.
29	A request that the Commission amend its records to reflect a change in the name of a motor carrier, water carrier, or freight forwarder, not involving a change in ownership, management, or control, that is subject to the jurisdiction of the Commission.	$27	$15.
30	A petition to define or redefine a commercial zone, or to remove the exemption applicable to commercial zone movements. Sec. 203(b)(8).	$689	$350.
31	A petition for a declaratory order. 5 U.S.C. § 554(e)	$689	$350.
32	A complaint seeking or a petition requesting institution of an investigation seeking the prescription of divisions of joint rates, fares or charges. Sec. 15(6).	$1,400	$700.[1]

[1] Subject to a supplemental fee if actual costs exceed the estimated cost. The fee will be 50 percent of the actual costs in excess of the estimate.

[2] The following fees are based on carrier's size:

Cost of reproduction (millions)	Proposed fee
under 10	$100
10-29.9	400
30-49.9	1,000
50-74.9	1,400
75-99.9	2,000
100-149.9	2,600
150-199.9	3,700
200-299.9	5,000
over 300	8,700

[F.R. Doc. 69-6508; Filed, June 3, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-131]

CARNETS

Notice of Approval of Issuing and Guaranteeing Association Under Two Customs Conventions

MAY 27, 1969.

The Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods (hereinafter referred to as A.T.A. Convention) and the Customs Convention on the E.C.S. Carnets for Commercial Samples (hereinafter referred to as E.C.S. Convention) which were ratified by the President on May 3, 1967, each provide for the approval by "Customs authorities of a Contracting Party" of issuing associations and guaranteeing associations, as defined in the Conventions.

A notice was published in the FEDERAL REGISTER on December 11, 1968 (33 F.R. 18394), that applications to undertake the obligations of issuing association and guaranteeing association under the A.T.A. Convention and E.C.S. Convention would be accepted and considered by the Bureau of Customs.

Notice is hereby given that the United States Council of the International Chamber of Commerce, Inc., 1212 Avenue of the Americas, New York, N.Y., duly applied in response to the above-mentioned notice and has been approved as the issuing association and guaranteeing association under the A.T.A. Convention and the E.C.S. Convention.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-6523; Filed, June 3, 1969; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 508]

CALIFORNIA

Opening of Lands Subject to Section 24 of Federal Power Act

MAY 27, 1969.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; U.S.C. 818) as amended, and pursuant to Bureau Order No. 701 of July 23, 1964 (29 F.R. 10526) as amended; and pursuant to the authority redelegated to me by the Manager, November 18, 1965 (30 F.R. 14444), as amended, it is ordered as follows:

In DA-1072-California dated May 14, 1969, the Federal Power Commission determined that the power value of the following described lands withdrawn in Power Site Classification No. 142, approved May 6, 1926, will not be injured or destroyed by restoration to location, entry or selection under the appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act:

HUMBOLDT MERIDIAN

T. 17 N., R. 2 E.,
Sec. 20, N½NE¼ and SW¼NE¼.

The areas described aggregate approximately 120 acres within the Six Rivers National Forest in Del Norte County.

At 10 a.m. on June 27, 1969, the lands shall be opened to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, the provisions of existing withdrawals and the requirement of applicable law, including the provisions of section 24 of the Federal Power Act.

The State of California has waived the preference right afforded it under section 24 of the Federal Power Act of June 10, 1920, supra. The lands have been opened to application and offers under the mineral leasing laws and location under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-6552; Filed, June 3, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

June 1969 CCC Monthly Sales List

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

1. The U.S. Department of Agriculture announced the price at which Commodity Credit Corporation (CCC) commodity holdings are available for sale, beginning at 3 p.m., e.d.t., on May 29, 1969, and, subject to amendment, continuing until superseded by the July Monthly Sales List.

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

Cheddar cheese is dropped from the list of commodities for sale.

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

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

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

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

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

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

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases

of these programs may be obtained from the Office of the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malting barley), oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS–1, as amended; tobacco under Announcement PS–3; cottonseed oil and soybean oil under Announcement PS–2; and upland and extra long staple cotton under Announcement PS–4; and inedible tallow and grease under Announcement PS–5; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter 13 percent protein or higher, Hard Red Spring 14 percent protein or higher, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of the Assistant Sales Manager, Barter, Export Marketing Service, USDA, Washington, D.C. 20250.

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

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

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

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

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

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

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

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

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

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

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

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

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

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

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

Export.

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

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

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

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

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

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

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

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

CORN, BULK

Unrestricted use.

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

B. General sales.

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

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

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

Markup in-store	Examples
$0.16	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.09+$0.02½) 115 percent +$0.16; $1.45. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.09+$0.02½ +$0.19); 105 percent +$0.16; $1.53.

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

GRAIN SORGHUM, BULK

Unrestricted use.

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

B. *General sales.*

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

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

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

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.27¼	$0.22¾	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.63) 115 percent +$0.27¼; $2.15¾. Kansas City, Mo. ($1.81) 115 percent +$0.22¾; $2.31¾. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.63+$0.34); 105 percent +$0.27¼; $2.34¼. Kansas City, Mo. ($1.81+$0.34); 105 percent +$0.22¾; $2.48¾.

Export.

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

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

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

BARLEY, BULK

Unrestricted use.

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

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

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

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

Export.

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

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

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

OATS, BULK

Unrestricted use.

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

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

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

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

Export.

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

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

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

RYE, BULK

Unrestricted use.

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

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

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½	$0.15	Agriculture Act of 1949 Statutory Minimum. Rollete County, N.Dak. ($0.89); 115 percent +$0.17½; $1.20½. Minneapolis, Minn. ($1.23); 115 percent +$0.15; $1.57.

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

Export.

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

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

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

RICE, ROUGH

Unrestricted use.

Market price but not less than 1968 loan rate plus 5 percent, plus 44 cents per hundredweight, basis in store.

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

COTTON, UPLAND

Unrestricted use.

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

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

Export.

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

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO-C-6 (Revision 2) and Announcement NO-C-10 (Revised). Under these announcements extra long staple cotton (domestically-grown) will be sold at the highest price offered but in

See footnotes at end of document.

no event at less than the higher of (a) 115 percent of the current loan rate for such cotton plus reasonable carrying charges, or (b) the market price as determined by CCC.

Export.

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

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

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

Availability information.

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

COTTONSEED MEAL, BULK

Export:

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

Available. New Orleans Commodity Office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

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

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

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

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

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

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

TUNG OIL

Unrestricted use.

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

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

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

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

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

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1968 price-support rate[1] for the grade and quality of the flaxseed plus the applicable markup.

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

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
$0.16½	$0.12¾	Minneapolis, Minn. ($3.16) 105 percent + $0.12¾; $3.44¾.

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

Available. Through the Minneapolis ASCS Branch Office.

DAIRY PRODUCTS

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

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

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

Export.

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

BUTTER

Unrestricted use.

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

FOOTNOTES

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

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

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

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

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

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

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

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

Branch Office—Portland ASCS Branch Office, 1216 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226-3361.

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

PROCESSED COMMODITIES OFFICE (ALL STATES)

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

COTTON OFFICE (ALL STATES)

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

GENERAL SALES MANAGER OFFICES

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

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

ASCS STATE OFFICES

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

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

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

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

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

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

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

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

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

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

Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469-6814.

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

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

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

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

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

[F.R. Doc. 69-6577; Filed, June 3, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order 2-B; Amdt. 3]

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Coast and Geodetic Survey; Field Structure

This material further amends the material appearing at 33 F.R. 4277 of March 7, 1968, and 34 F.R. 2275 of February 15, 1969.

Department Order 2-B, dated February 23, 1968, is hereby further amended as follows:

SEC. 6. *Coast and Geodetic Survey.* Paragraph .07 is amended to read:

.07 The Field Structure consists of the various organizational elements, as enumerated below. The Atlantic and Pacific Marine Centers provide their own administrative support, including that required by vessels under their respective jurisdictions and, where feasible and practical, extend this support to other ESSA field units. The Mid-Continent Field Director obtains administrative support from the Weather Bureau region in the same city. Activities listed in subparagraph .07c. below receive administrative support from ESSA Headquarters. The locations of the principal field elements are shown in Exhibit 2.[1]

a. The Atlantic and Pacific Marine Centers, the heads of which report to the Director, Coast and Geodetic Survey;

b. The Mid-Continent Field Director who reports to the Director, Coast and Geodetic Survey, and is responsible for managing mobile field parties; and

c. Observatories, a seismology center, and a geomagnetic center which report to the appropriate program components at the headquarters of the Coast and Geodetic Survey.

[1] Filed as part of original document.

Effective date: May 21, 1969.

LARRY A. JOBE,
Assistant Secretary
for Administration.

[F.R. Doc. 69-6544; Filed, June 3, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

C. J. PATTERSON CO.

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 9A2403) has been filed by C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, proposing that § 121.1211 *Sodium steroyl-2-lactylate* (21 CFR 121.1211) be amended to provide for the safe use of sodium stearoyl-2-lactylate as an emulsifier in liquid or solid-state, edible vegetable fat-water emulsions intended as a substitute for milk or cream in coffee (beverage).

Dated: May 26, 1969.

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

[F.R. Doc. 69-6533; Filed, June 3, 1969; 8:45 a.m.]

WOOLFOLK CHEMICAL WORKS, LTD.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0827) has been filed by Woolfolk Chemical Works, Ltd., Fort Valley, Ga. 31030, proposing the establishment of tolerances (21 CFR Part 120) for residues of zinc in or on the raw agricultural commodities cherries, peaches, and plums at 30 parts per million from the application of the fungicide basic zinc sulfate.

The analytical method proposed in the petition for determining residues of zinc (as Zn) consists of homogenizing, ashing, and finally digesting the sample in hydrochloric acid until completely dissolved. The amount of zinc present is determined using an atomic absorption spectrophotometer.

Dated: May 27, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-6534; Filed, June 3, 1969; 8:45 a.m.]

Office of the Secretary

AIR POLLUTION CONTROL; INTERSTATE AIR POLLUTION IN THE NEW CUMBERLAND, W. VA.-KNOX TOWNSHIP, OHIO, AREA

Conference of Air Pollution Control Agencies; Notice of Date, Time, and Place

Pursuant to the notice calling a conference of air pollution control agencies concerning interstate air pollution in the New Cumberland, W. Va.-Knox Township, Ohio, Area (34 F.R. 7180, May 1, 1969), and after consultation with air pollution control officials of the States of West Virginia and Ohio, such conference will be convened on July 8, 1969, at 10 a.m., e.d.t., in the Hancock County Courthouse, New Cumberland, W. Va., and notice thereof is hereby given to the air pollution control agencies of the following:

State of Ohio (Ohio Air Pollution Control Board);

State of West Virginia (West Virginia Air Pollution Control Commission); and

All the following municipalities as defined in section 302(f) of the Clean Air Act, as amended (42 U.S.C. 1857h(f)):

In the State of Ohio: Jefferson County; Knox Township, Jefferson County; and municipalities located within Knox Township.

In the State of West Virginia: City of New Cumberland.

Any municipality desiring to make a formal presentation at the conference should file a notice of such intention with the Presiding Officer, National Air Pollution Control Administration, Room 907, Ballston Center Tower No. 2, 801 North Randolph Street, Arlington, Va. 22203, not later than June 30, 1969. The agencies called to attend such conference may bring such persons as they desire to the conference.

A technical report concerning air pollution in the New Cumberland, W. Va.—Knox Township, Ohio, Area entitled "New Cumberland, W. Va.—Knox Township, Ohio Air Pollution Abatement Activity" prepared by the National Air Pollution Control Administration is available to interested persons upon request made to the Presiding Officer. Interested persons desiring to present their views to the conference with respect to such report and other pertinent information should file, not later than June 30, 1969, a notice of such intention, and, if practicable, five copies of the proposed presentation (and other relevant material) with the Presiding Officer.

A transcript of the proceedings will be maintained and will be made available on request of any person at the expense of such person.

Dated: May 27, 1969.

WILLIAM H. MEGONNELL,
Presiding Officer.

[F.R. Doc. 69-6445; Filed, June 3, 1969; 8:45 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the titles of two such positions so authorized to be filled by noncareer executive assignment have been changed from "First Assistant to the Assistant Attorney General" to "Deputy Assistant Attorney General" and "Second Assistant to the Assistant Attorney General" to "Deputy Assistant Attorney General".

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

[F.R. Doc. 69-6569; Filed, June 3, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14952; FCC 69R-244]

NORRISTOWN BROADCASTING CO., INC. (WNAR)

Memorandum Opinion and Order Enlarging Issues

In re application of Norristown Broadcasting Co., Inc. (WNAR), Norristown, Pa., Docket No. 14952, File No. BP-12902; for construction permit.

1. Norristown Broadcasting Co., Inc. (Norristown), and WNAR, Inc. (WNAR), jointly request leave to amend the above-captioned Norristown application by substituting WNAR as the applicant in this proceeding.

2. This proceeding involves the application of Norristown for authority to modify the facilities of standard broadcast Station WNAR, Norristown, Pa., a daytime-only Class II facility which presently operates nondirectionally with 500 watts on 1110 kHz.[1] The applicant seeks both to increase power from 500 watts to 5 kilowatts, 1 kilowatt during critical hours, and to utilize a directional antenna. By memorandum opinion and order, 6 FCC 2d 718, 9 RR 2d 331, released February 16, 1967, the Commission designated the application for hearing under areas and populations and suburban community issues.[2] After hearing on these issues and close of the record, an initial decision (FCC 68D-35, 13 RR 2d 199) was released on May 13, 1968, proposing a grant of the application. Subsequent to the assignment of Station WNAR's license to WNAR (see note 1, supra), a joint petition for leave to amend was filed by Norristown and WNAR with the Review Board seeking to substitute WNAR as the applicant in this proceeding. Due to a lack of information concerning WNAR's financial qualifications and its proposed programing, the Board held in abeyance, for 15 days, action on said petition pending receipt of supplemental information. Memorandum opinion and order, FCC 69R-24, 15 FCC 2d 977, released January 15, 1969. On January 30, 1969, the petitioners jointly filed a supplemental petition for leave to amend and simultaneously tendered an amendment to the pending Norristown application. The petition and the accompanying amendment are now before the Board for its consideration.[3]

3. The Broadcast Bureau interposes no objection to a grant of the supplemental petition for leave to amend, maintaining that the amendment is necessary to update the application so as to reflect the applicant's new ownership following Commission approval of the assignment application. However, it is the Bureau's position that the amendment, to the extent that it relates to the issues in this proceeding, constitutes an entirely new proposal which requires reopening of the record and remand for further hearing under the suburban community issue. According to the Bureau, that issue requires, among other things, a showing concerning the applicant's ascertainment of the separate and distinct programing needs for Norristown, Pa.; the extent to which existing standard broadcast stations are meeting those needs; and the extent to which the applicant's program proposal will meet those specific, unsatisfied programing needs. Contending that the evidence originally submitted by Norristown under the suburban community issue is no longer relevant in light of WNAR's new proposal, the Bureau submits that further hearing is required for, notwithstanding that the proffered amendment may be adequate to render the application current and complete,[4] it is insufficient, standing alone, to meet WNAR's burden under Issue 2, the suburban community issue. Even if the Review Board disagrees with its contentions, the Bureau, citing Deep South Broadcasting Co. v. FCC, 247 F. 2d 459, 4 RR 2d 2018 (D.C. Cir. 1965), maintains its right to cross-examine WNAR's witnesses before the close of the record in this proceeding. The Bureau also notes that neither Norristown nor WNAR has any objection to such procedure.

4. The January 30, 1969, amendment includes: (a) Affidavits of Victor Mauck, Jr., WNAR's president, treasurer, director, and 60 percent stockholder, and of Charles Wister, the assignee's vice president, director, and 40 percent stockholder; (b) revised sections III and IV of FCC Form 301 reflecting WNAR's plan of financing the station's operation and its proposed programing; and (c) a statement, incorporating by reference, the previously noted application for consent to the assignment of Station WNAR's license. In its amendment, WNAR contemplates the acquisition of additional broadcast equipment at a total cost of $49,783. An expenditure of $10,000 has been budgeted to meet the costs of equipment installation, engineering, and other miscellaneous expenses, such as the finance charges accruing under a credit arrangement with the equipment supplier. WNAR also estimates that its first-year cost of operation will increase by approximately $15,000 as a result of the proposed modification of facilities. To offset these anticipated expenditures, WNAR intends to rely upon a deferred credit arrangement with the Gates Radio Co. (Gates),[5] existing capital ($25,000), and operating income. A projection of $275,000 in first-year revenues is proffered by WNAR, which also estimates its station's cost of operation during this period to be $225,000. To the extent that WNAR's sources of funds are insufficient to meet these estimated costs, WNAR's stockholders have allegedly indicated that they will be personally responsible for supplying the necessary funds. With respect to proposed programing, WNAR, which modified the general format and programing of its station at the time of

[1] On Nov. 19, 1968, the Commission approved without hearing the assignment of the license of Station WNAR from Norristown to WNAR. See public notice of Nov. 20, 1968, Report No. 7691. The assignment was consummated by the parties on Dec. 2, 1968.

[2] See Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965), reconsideration denied 2 FCC 2d 866, 6 RR 2d 1908 (1966).

[3] No pleadings were proffered in response to the petition for leave to amend and substitute parties, filed Dec. 26, 1968, by Norristown and WNAR. However, on Feb. 10, 1969, the Broadcast Bureau filed comments with respect to the supplemental petition.

[4] The Broadcast Bureau does not comment on the sufficiency of WNAR's showing concerning its financial qualifications and the programing it proposes for its station.

[5] Under the terms of the deferred credit arrangement with Gates, WNAR is required to make a $12,445.75 downpayment, representing 25 percent of the total purchase price ($49,783), with the balance payable in 36 equal monthly installments commencing 60 days after shipment of the transmitter. The finance cost is to be determined by Gates' standard rate in effect at the time WNAR's order is made final. WNAR represents that a finance charge of 5½ percent will be incurred. During its first year of operation, WNAR payments under the Gates' arrangement would total $12,445.75, exclusive of a total finance cost of $2,023.55.

the assignment,[7] maintains that the needs and interests of Norristown are similar and closely related to the needs and interests of the general suburban areas to be gained by its proposal. In support of this contention, WNAR notes the long-term area residency of its stockholders, their experience acquired in the operation of Station WNAR since the assignment, and the broadcast experience of Wister, who, from 1950 to mid-1965, was employed by various radio and television stations in the city of Philadelphia. In addition, the applicant submits that it has recently contacted 15 community leaders in the new areas that will be served if its application is granted.

5. The Review Board is of the opinion that the substitution of WNAR as the applicant in this proceeding and the January 30, 1969, amendment should be allowed and that WNAR should be afforded the opportunity to demonstrate at an evidentiary hearing not only the extent to which its program proposal (see note 6, supra) meets the specific and unsatisfied needs of its specified station location, but also the other factors utilized by the Commission in determining whether an applicant has met its burden under a suburban community issue.[7] The Board will therefore reopen the record and remand this proceeding to the Hearing Examiner for the adduction of further evidence and for the preparation of a supplemental initial decision. At the same time, we believe that the issues in this proceeding should be enlarged by the specification of financial and Suburban issues against the substituted applicant, WNAR.

6. In the Board's view, material questions exist with respect to the availability of the funds upon which WNAR relies to offset total cash requirements of $49,891.50.[8] The applicant's balance sheet, dated December 1, 1968 (attached as Exhibit A to Jan. 30, 1969, amendment), reflects a cash asset of $40,000 and current liabilities of $50,000, which represent first-year repayments of principal to Norristown under the purchase agreement for Station WNAR. The first-year interest charge of $34,200 under the agreement is not disclosed on the balance sheet. Rather than substantiating the availability of $25,000 in existing capital, the applicant's balance sheet indicates current liabilities in excess of current liquid assets. WNAR's financial posture is further obscured since the balance sheet, in reflecting the current and long-term liability to Norristown, is inconsistent with an earlier arrangement between WNAR and Mauck who had agreed to lend the applicant sufficient capital to satisfy the maturing installments of principal and interest under the purchase agreement with Norristown. See BAL-6407—Exhibit G. The applicant's reliance on anticipated revenues is inappropriate since the basis of its projection is not set forth in the January 30, 1969, amendment and since there is no indication that WNAR's estimate is predicated upon the past operation of Station WNAR or upon an analysis of its market. See Tri-Cities Broadcasting Corporation, 10 FCC 2d 490, 11 RR 2d 609 (1967); Sawnee Broadcasting Company (WSWE), 5 FCC 2d 120, 8 RR 2d 766 (1966). WNAR's reliance upon its stockholders to provide the necessary funds is also unacceptable. The only indications of the stockholders' "commitments" are their signatures on the exhibit (Exhibit B), attached to the amendment, wherein the applicant indicates that these individuals "will be personally responsible" for supplying additional capital if necessary. The terms of repayment and security, if any, and the effect thereof upon the applicant's first-year obligations are not detailed. In addition, the ability of these stockholders to furnish the necessary capital has not been established since their balance sheets, incorporated by reference from the assignment application, do not reveal their current financial posture. These balance sheets, dated April 30, 1968, do not reflect the assets utilized in satisfying the stockholders' previous financial commitments to WNAR[9] and the effect these outlays had upon the stockholders' liquid assets. In view of the foregoing deficiencies in WNAR's financial showing, the Board believes that an evidentiary inquiry into the question of whether WNAR has funds available to effectuate its proposal is warranted.

7. As the Commission has noted, where an applicant seeks to improve its facilities and thereby to serve a substantial amount of new area or population, the fact that the gain area is contiguous to the present service area is not determinative of whether the programing proposal is responsive to the needs and interests of the new service area; and, accordingly, the applicant must comply with the Suburban doctrine and the criteria set forth in Minshall Broadcasting Co., Inc., 11 FCC 2d 796, 12 RR 2d 502 (1968), and the Commission's Public Notice of August 22, 1968, Ascertainment of Community Needs by Broadcast Applicants (FCC 68-847, 33 FR 12213, 13 RR 2d 1903). See WLVA, Incorporated, 15 FCC 2d 757, 15 RR 2d 105 (1968); also see Meredith Colon Johnston (WECP), FCC 69-232, 16 FCC 2d 928; Jackson Missouri Broadcasting Co., FCC 68-1015, 14 RR 2d 445. In the opinion of the Review Board, WNAR has failed to demonstrate that it is aware of and responsive to the needs and interests of the proposed gain area. Although Station WNAR will more than double its interference-free service area and will, as a result, encompass therein over 2.6 million additional persons, WNAR has contacted only 15 community leaders from the gain area. The conversations with and the suggestions elicited from these individuals are not adequately described in the January 30, 1969, amendment. Their comments, as set forth by WNAR, are predominantly indications of interests to publicize the general objectives of the organizations which the interviewees represent. We do not believe that WNAR's sampling, which apparently does not include contacts with any of the gain area's local public officials, law enforcement representatives, or religious leaders,[10] is a representative cross-section of those who speak for informed group opinion in the area. Moreover, the sampling does not cover any member of the general listening public who will receive the station's signal in the gain area. See Report and Statement of Policy Re: Commission En Banc Programming Inquiry, FCC 60-970, 25 FR 7291, 20 RR 1901, 1915. The alleged familiarity of the applicant's stockholders with the needs and interests of the gain area cannot suffice as a substitute for an acceptable survey. See Vernon Broadcasting Company, 12 FCC 2d 946, 13 RR 2d 245 (1968). Thus, the Review Board believes that an evidentiary inquiry is warranted so that WNAR can fully demonstrate its efforts to ascertain the needs and interests of the area and population to be gained by its proposal and

[6] Specifically, WNAR increased the station's total hours of operation from 82.5 to 84 hours; augmented the amount of time devoted to music from 55 percent to 66.09 percent; and directed the appeal of the station's programing to an adult audience. The amount of time devoted to news and public affairs programs was reduced from 12 hours, 22 minutes and 11 hours, 31 minutes to 8 hours, 27 minutes and 2 hours, 15 minutes, respectively. Finally, the amount of time directed to all other programs, exclusive of entertainment and sports, was lessened from 6 hours, 37 minutes to 2 hours, 45 minutes.

[7] Cf. Lebanon Valley Radio, 11 FCC 2d 31, 11 RR 2d 998 (1967).

[8] The total cost of construction and first-year operation is as follows: Downpayment for the technical equipment to be obtained from Gates ($12,445.75); repayments of principal under the Gates' credit arrangement ($12,445.75); miscellaneous expenses, including finance charges under the Gates' credit arrangement ($10,000); and increased cost of station operation ($15,000).

[9] In order to demonstrate its financial qualifications at the time of the assignment, WNAR relied upon subscriptions of its stock and debentures. Wister's stock and debenture subscriptions totaled $108,000. Since his Apr. 30, 1968, balance sheet did not reflect sufficient net liquid assets to meet both subscriptions, Mauck agreed to lend him $72,000. In the event that Wister liquidated or encumbered his fixed assets, the proceeds thereof would be applied to satisfy Mauck's loan. In addition to his $72,000 advance to Wister, Mauck subscribed to $148,500 of WNAR's stock and debentures. As noted above, Mauck also agreed to meet WNAR's liability to Norristown, under which obligation a current liability of $34,200 would be incurred.

[10] Although no contact with the gain area's religious leaders is detailed, WNAR represents that "Church programs will be carried in conjunction with the Council of Churches." See Amendment of Jan. 30, 1969, Exhibit E.

the manner in which it intends to meet those needs and interests.[11]

8. *Accordingly, it is ordered*, That the petition for leave to amend and substitute parties, filed December 26, 1968, by Norristown Broadcasting Co., Inc. and WNAR, Inc., and the supplemental petition for leave to amend, filed January 30, 1969, by Norristown Broadcasting Co., Inc. and WNAR, Inc., are granted; that WNAR, Inc., is substituted for Norristown Broadcasting Co., Inc., as the applicant in this proceeding; and that the amendment tendered with the supplemental petition for leave to amend on January 30, 1969, is accepted; and

9. *It is further ordered*, That, on the Review Board's own motion, this proceeding is remanded to the Hearing Examiner for further hearing and for the preparation of a supplemental initial decision consistent with this opinion; and

10. *It is further ordered*, That the issues in this proceeding are enlarged as follows:

(4) To determine as to WNAR, Inc., the amount of funds available to construct and operate its proposed facility.

(5) To determine whether WNAR, Inc. will depend upon operating revenues to meet costs and first-year's operating expenses and, if so, the basis of its estimated revenues for the first year, whether such estimate is reasonable, and the extent to which net operating revenues may be relied on to yield necessary funds for the initial construction and operating cost.

(6) To determine on the basis of the evidence adduced under the aforesaid issues, whether WNAR, Inc., is financially qualified.

(7) To determine the efforts made by WNAR, Inc. to ascertain the community needs and interests of the gain area to be served and the means by which the applicant proposes to meet those needs and interests;

and that existing Issue 4 is redesignated as Issue 8; and

11. *It is further ordered*, That, the burdens of proceeding with the introduction of evidence and of proof under the above-designated issues will be upon the applicant, WNAR, Inc.

Adopted: May 27, 1969.

Released: May 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[12]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-6551; Filed, June 3, 1969; 8:47 a.m.]

[11] Since the release of the initial decision in this proceeding, the parties have requested and have been granted several extensions of time within which to file exceptions to the initial decision. The last filing date set by the Board was Feb. 10, 1969, and there have been no further requests for extensions of time to file exceptions. Since the failure to file further requests may be due to the pendency of the pleadings under consideration herein and in view of our ultimate disposition of those pleadings, we will permit the filing of exceptions, when appropriate, to both the initial decision and the supplemental initial decision.

[12] Board member Nelson absent.

FEDERAL POWER COMMISSION

[Docket No. G-3117, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Findings and Order

MAY 26, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceeding, substituting respondent, making successors co-respondents, redesignating proceedings, making rate change effective, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing.

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

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

Midhurst Oil Corp., Applicant in Docket No. G-9579, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Rycade Oil Corp. FPC Gas Rate Schedule No. 2. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-444. A prior increased rate was collected for a locked-in period subject to refund in Docket No. G-17364. Applicant has filed motions to be substituted in lieu of Rycade as respondent in both of said proceedings, together with agreements and undertakings to assure the refund of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Applicant will be substituted as respondent; the proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

Texaco, Inc. (Operator), et al., Applicant in Docket No. CI64-1135, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Sun Oil Co. (DX Division) (Operator) et al., FPC Gas Rate Schedule No. 290. Said rate schedule will be redesignated as that of Applicant. On October 3, 1968, Sunray DX Oil Co. (Operator) et al., predecessor in interest to Sun Oil Co. (DX Division) (Operator) et al., filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 290, now Sun Oil Co. (DX Division) (Operator) et al., FPC Gas Rate Schedule No. 290. By order issued October 28, 1968, in Docket No. RI69-171 et al., the Commission suspended the proposed change in Docket No. RI69-175 until April 3, 1969, and thereafter until made effective. The change was designated as Supplement No. 2 to the subject rate schedule. On March 21, 1969, Applicant filed a motion to be made co-respondent in the proceeding pending in Docket No. RI69-175; and on April 1, 1969, Applicant filed a motion to make the change in rate effective, together with an agreement and undertaking to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI69-175 for sales under the subject rate schedule. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; the change in rate will be made effective subject to refund; and the agreement and undertaking will be accepted for filing.

Holly Corp., Applicant in Docket No. CI69-837, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI67-851 to be made pursuant to Pan American Petroleum Corp. FPC Gas Rate Schedule No. 494. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. Prior to the effective date of the assignment of the producing properties to Applicant, Pan American filed a notice of change in rate under its rate schedule. The change was suspended in Docket No. RI69-206 until April 14, 1969, and thereafter until made effective. Subsequent to the assignment of the producing properties, Pan American filed a motion to make the change in rate effective April 14, 1969. Applicant has filed a motion to be made a co-respondent in Docket No. RI69-206 and will be made a party to the proceeding. If Applicant desires to collect the increased rate, it should file a motion to that effect as provided by section 154.102 of the regulations under the Natural Gas Act. Until the change in rate is made effective with respect to sales from Applicant's interests in the producing properties acquired from Pan American, Applicant shall charge and collect the applicable area base rate, adjusted for quality, prescribed in Opinion No. 468, 34 FPC 159, as modified by Opinion No. 468-A, 34 FPC 1068.

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

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention or protests

to the granting of the applications have been filed.

At a hearing held on May 21, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

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

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

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

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

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates in Dockets Nos. G–3117, G–3118, G–3119, G–4091, G–4547, G–7535, G–8785, G–9575, G–15079, G–15987, G–17024, CI60–122, CI60–651, CI62–272, CI62–655, CI64–271, CI64–672, CI64–1135, CI65–317, CI67–171, CI67–851, CI67–1224, and CI69–197 should be amended as hereinafter ordered and conditioned.

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

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

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dockets Nos. CI69–856 and CI69–857 should be canceled and that the applications filed therein should be treated as petitions to terminate the certificates heretofore issued in Dockets Nos. CI64–983 and CI64–1072, respectively.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding pending in Docket No. RI66–316 should be terminated only with respect to Union Oil Company of California FPC Gas Rate Schedule No. 115.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Midhurst Oil Corp. should be substituted in lieu of Rycade Oil Corp. as respondent in the proceedings pending in Dockets Nos. G–17364 and RI64–444, that said proceedings should be redesignated accordingly, and that the agreements and undertakings submitted by Midhurst in said proceedings should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Texaco Inc. (Operator), et al., should be made a co-respondent in the proceeding pending in Docket No. RI69–175; that said proceeding should be redesignated accordingly; that the proposed change in rate suspended in said proceeding should be made effective with respect to sales from Texaco's interests; and that the agreement and undertaking submitted by Texaco in said proceeding should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Holly Corp. should be made a co-respondent in the proceeding pending in Docket No. RI69–206 and that the proceeding should be redesignated accordingly.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificate are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. G–7535 and CI69–816 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower; and the initial rate for the sale authorized in Docket No. CI69–837 shall be 15.91 cents per Mcf at 14.65 p.s.i.a., the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality.

(b) If the quality of the gas delivered by Applicants in Dockets Nos. G–7535, CI69–816, and CI69–837 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(c) Within 90 days from the date of initial delivery Applicants in Dockets Nos. G–7535 and CI69–816 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(d) The initial rate for the sale authorized in Docket No. CI69–656 shall be 13.4426 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement. Further, the certificate is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

(e) The initial rate for the sale authorized in Docket No. CI69–762 shall be 16 cents per Mcf at 15.025 p.s.ia. including tax reimbursement. Further, the certificate is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

(f) Sales authorized in Docket No. CI69–864 (Oklahoma "Other" area only) shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicant thereupon may substitute the new rate reflecting the amount of such increase and thereafter collect the new rate prospectively in lieu of the initial rate herein authorized in said docket. Sales authorized in (Oklahoma Panhandle area only) shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment.

(g) Further, the certificate in Docket No. CI69–864 is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 3,650 ratio of takes to reserves during the first 2 contract years.

(h) The initial rate for the sale authorized in Docket No. CI69–871 shall be 22.0077 cents per Mcf at 15.325 p.s.i.a.

(i) Applicant in Docket No. G–4091 shall file a notice of change in rate as provided by section 4 of the Natural Gas Act if the price reverts from 27 to 25 cents per Mcf under the terms of Supplement No. 5 to its FPC Gas Rate Schedule No. 1.

(j) The certificate issued herein in Docket No. CI69–887 involving the sales of gas by Texas Gas Exploration Corp., to its affiliate, Texas Gas Transmission Corp., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceedings involving either company.

(F) The orders issuing certificates in Dockets Nos. G–3117, G–3118, G–3119, G–4091, G–7535, G–15079, G–15987, G–17024, CI60–122, CI64–271, CI65–317, CI67–171, and CI69–197 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(G) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorized service from the subject acreage:

Amend to delete acreage	*New certificate*
G–4547	CI69–876
CI60–651	CI69–871
CI62–272	CI69–799
CI62–655	CI69–799
CI64–672	CI69–717
CI67–851	CI69–837

(H) The orders issuing certificates in Dockets Nos. G–8785, G–9575, CI64–1135, and CI67–1224 are amended by substituting the successors in interest as certificate holders.

(I) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(J) Dockets Nos. CI69–856 and CI69–857 are canceled.

(K) The certificate heretofore issued in Docket No. G–12012 is terminated only with respect to Union Oil Company of California FPC Gas Rate Schedule No. 115.

(L) The certificate heretofore issued in Dockets Nos. G–12544, CI64–983, and CI64–1072 are terminated.

(M) The rate suspension proceeding pending in Docket No. RI66–316 is terminated only with respect to Union Oil Company of California FPC Gas Rate Schedule No. 115.

(N) Midhurst Oil Corp. is substituted in lieu of Rycade Oil Corp. as respondent in the proceedings pending in Dockets Nos. G–17364 and RI64–444; the proceedings are redesignated accordingly; and the agreements and undertakings submitted by Midhurst in said proceedings are accepted for filing.

(O) Midhurst Oil Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreements and undertakings filed by Midhurst in Dockets Nos. G–17364 and RI64–444 shall remain in full force and effect until discharged by the Commission.

(P) Texaco Inc. (Operator), et al., is made a co-respondent in the proceeding pending in Docket No. RI69–175; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by Texaco in said proceeding is accepted for filing. The rates, charges, and classifications set forth in Supplement No. 2 to Texaco Inc. (Operator), et al., FPC Gas Rate Schedule No. 432, as so redesignated herein, shall be effective subject to refund as of April 3, 1969. Said effective rate shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI69–175.

(Q) Texaco Inc. (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Texaco Inc. (Operator), et al., in said docket shall remain in full force and effect until discharged by the Commission.

(R) Holly Corp. is made a co-respondent in the proceeding pending in Docket No. RI69–206 and the proceeding is redesignated accordingly.

(S) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–3117 D 10–11–68	Humble Oil & Refining Co.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Crowley Field, Acadia Parish, La.	Amendment 9–23–68 [1]	36	14
			Letter agreement 11–11–68.[2] [3]	36	1–14
G–3118 (CS66–62) D [4]	do	El Paso Natural Gas Co., Cooper-Jal Field, Lea County, N. Mex.	Assignment 7–30–68 [5]	28	16
			Effective date: 7–30–68		
G–3119 (CS66–15) D [4]	do	do	Conveyance 12–23–68 [6]	33	13
			Effective date: 1–1–69		
G–4091 C 2–24–69 [7]	H. R. Jackson, et al., d.b.a. Penova Interests.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Letter agreement 2–4–69.[3]	1	5
G–7535 C 2–3–69	Pan American Petroleum Corp.[8]	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	Supplemental agreement 12–5–68.[8]	115	19
G–8785 E 3–12–69 as amended 4–21–69 [10]	James E. Kemp, et al. (successor to Four States Drilling Co., Inc., et al.).	Arkansas Louisiana Gas Co., North Scottsville Field, Harrison County, Tex.	Four States Drilling Co. et al., FPC GRS No. 1.	1	----
			Supplement Nos. 1–6	1	1–6
			Notice of succession 3–10–69.	----	----
			Assignment 3–19–68 [11]	1	7
			Effective date: 4–1–68		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G-9579 E 2-26-69	Midhurst Oil Corp., (successor to Rycade Oil Corp.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Nelsonville Field, Austin County, Tex.	Rycade Oil Corp., FPC GRS No. 2.	24	.....
			Supplement Nos. 1-6	24	1-6
			Notice of succession 2-25-69.[32]	.....	.....
			Effective date: 9-17-68	.....	.....
G-13079 C 2-27-69 as amended 3-24-69 [32]	Pan American Petroleum Corp. (successor to John H. Trigg, d.b.a. John H. Trigg Co.[30]).	Southern Union Gathering Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	Supplemental agreement 10-24-58.[33]	467	6
			Effective date 2-1-67	.....	.....
G-15987 C 3-14-60 C 11-2-60 D 11-2-60	Shell Oil Co.	El Paso Natural Gas Co., Bisti Field, San Juan County, N. Mex.	Transfer order 9-3-59	184	[34] 2
			Transfer order 9-3-59	184	[34] 3
			Supplemental agreement 9-29-60.[37]	184	[34] 4
G-17024 C 7-29-60 C 10-10-60 D 10-10-60	Phillips Petroleum Corp.	do	Supplemental agreement 7-7-60.[35]	337	2
			Supplemental agreement 9-21-60.[37 18]	337	3
C160-122 C 3-24-69 [7 32]	Texas San Juan Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Miller & Fox Fields, Jim Wells and Duval Counties, Tex.	Amendment 1-19-67	2	5
			Letter agreement 4-10-69 [5 13]	2	6
C162-272 D 2-13-69	Elton A. Bayer, d.b.a. Bayer Gas Co.	Equitable Gas Co., Skin Creek District, Lewis County, W.Va.	Letter agreement 7-12-68.[3 32]	1	3
C162-655 D 2-13-69	Paul H. Ash et al., d.b.a. A. & C. Oil & Gas Co.	do	Letter agreement 7-12-68.[3 32]	8	2
C164-271 C 12-30-65 [32]	McCulloch Oil Corp. of California (Operator) et al.	Southern Union Gathering Co., Basin Dakota Field, San Juan County, N. Mex.	Supplemental agreement 9-10-65.[3]	12	5
C164-983 (C169-856) 3-10-69 [31]	Tenneco Oil Co. (Operator) et al.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	Notice of cancellation (Undated).[3 32]	25	6
C164-1072 (C169-857) 3-10-69 [31]	do	do	Notice of cancellation (Undated).[3 32]	116	6
C164-1135 E 3-21-69	Texaco, Inc. (Operator) et al. (successor to Sun Oil Co. (DX Division) (Operator) et al.).	Lone Star Gas Co., East Hewitt Field, Carter County, Okla.	Sun Oil Co. (DX Division) (Operator) et al., FPC GRS No. 290.	432	.....
			Supplement Nos. 1-2	432	1-2
			Notice of succession 3-18-69.	.....	.....
			Assignment 11-26-68 [32]	432	3
			Effective date: 12-1-68	.....	.....
			Notice of partial cancellation 3-21-69.[3 32]	11	4
C165-317 D 2-14-69	Jack W. Grigsby (Operator) et al. (partial abandonment).	United Gas Pipe Line Co., Southwest Bourg Field, Terrebonne Parish, La.	Notice of partial cancellation 3-12-69.[3 32]	66	5
C167-171 D 2-13-69	Edwin L. Cox (partial abandonment).	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.			
C167-1224 E 3-17-69	Fain-Porter Drilling Corp. (Operator) et al. (successor to H. H. Champlin et al.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	H. H. Champlin et al. FPC GRS No. 2.	5	.....
			Notice of succession (Undated).	.....	.....
			Assignment 12-17-68 [32]	5	1
			Effective date: 12-1-68	.....	.....
C169-197 C 3-24-69 [7]	Ashland Oil & Refining Co.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Supplement 3-3-69 [3]	193	2
C169-656 A 1-21-69 [7]	Atlantic Richfield Co.	Arkansas Louisiana Gas Co., Cedar Springs Field, Upshur County, Tex.	Contract 12-1-68	325	.....
			Compliance 4-8-69 [3 32]	325	1

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C169-717 (C164-672) F 1-27-69 [32] as amended 2-17-69 [32]	Southwest Oil Industries, Inc. (successor to Cities Service Oil Co. (Operator) et al).	Northern Natural Gas Co., Fincham Field, Meade County, Kans.	Contract 10-15-63 [32]	26	.....
			Supplemental agreement 7-5-67.	26	1
			Assignment 8-30-67 [32]	26	2
			Assignment 9-3-68 [3 32]	26	3
(C164-672) [34]	Cities Service Oil Co. (Operator) et al.	do	Assignment 8-30-67 [32]	202	5
			Assignment 9-3-68 [3 32]	202	6
C169-748 (G-12544) B 2-6-69	Estate of F. Julius Fohs (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Martisak Field, Lavaca County, Tex.	Notice of cancellation 2-6-69.[3 37]	5	3
C169-762 A 2-14-69 [7]	W. D. A. Corp.	Humble Gas Transmission Co., West Richland Field, Ouachita and Richland Parishes, La.	Contract 1-31-69	1	.....
			Compliance (Undated) [3 32]	1	1
C169-788 A 2-24-69 [7]	Ohio-West Virginia Oil & Gas Co.	Penova Interests, Grant District, Ritchie County, W. Va.	Contract 11-1-68 [3]	5	.....
C169-799 (C162-272) (C162-655) F 2-13-69	Shirley D. Knudson et al., d.b.a. A. & C. Oil & Gas Co., A-Ltd.	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	Contract 7-12-68 [3 37]	1	.....
C169-816 A 2-28-69	Mobil Oil Corp. [39]	Northern Natural Gas Co., Kermit Field, Winkler County, Tex.	Contract 2-18-69	449	.....
			Supplemental agreement 4-8-69. [3 39]	449	1
C169-837 (C167-851) F 2-28-69	Holly Corp. (successor to Pan American Petroleum Corp.).	El Paso Natural Gas Co., Gomez Field, Pecos County, Tex.	Contract 12-5-66 [40]	1	.....
			Letter agreement 12-5-66	1	1
			Assignment 12-16-67 [41]	1	2
			Effective date: 11-27-68	.....	.....
C169-845 A 3-3-69 [7]	General Petroleum Corp. et al.	El Paso Natural Gas Co., Ignacio Area, La Plata County, Colo.	Contract 2-11-69 [3]	5	.....
C169-864 A 3-14-69 [7 42]	Ashland Oil & Refining Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., North Freedom Field, Woods and Woodward Counties, Okla.	Contract 2-28-69 [3]	195	.....
C169-871 (C160-651) F 3-6-69 as amended 3-17-69, 3-19-69 and 3-20-69	Hunting Oil Co., Inc. (successor to M. A. Hall).	The Ohio Fuel Gas Co., Groundhog Creek Field, Meigs County, Ohio.	Contract 2-25-69 (Supersedes in part M. A. Hall FPC GRS Nos. 7 and sj.[43]	1	.....
C169-876 (G-4547) F 3-17-69 as amended 3-26-69	R. C. Wynn (successor to Sinclair Oil Corp.).	El Paso Natural Gas Co., Blanco Mesa Verde Pool, San Juan County, N. Mex.	Contract 1-30-54 [44]	1	.....
			Assignment 10-8-68 [45]	1	1
			Assignment 2-20-69 [3 45]	1	2
C169-877 A 3-17-69 C 3-26-69 [7]	R. C. Wynn	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	Contract 11-26-68	2	.....
			Supplemental agreement 2-21-69. [3]	2	1
C169-880 A 3-19-69 [7]	F. M. Chisler	Equitable Gas Co., Birch District, Braxton County, W. Va.	Contract 2-7-69 [3]	3	.....
C169-883 A 3-19-69 [7]	Hays and Co., agent for D. A. Dorward et al., d.b.a. D. A. Dorward et al.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 2-5-69 [3]	315	.....
C169-885 A 3-19-69 [7]	Petroleum, Inc.	Cities Service Gas Co., Mocane-Laverne Area, Beaver County, Okla.	Contract 2-21-69	54	.....
C169-886 A 3-19-69 [7]	J. E. Allen et al., d.b.a. Glen Daniels Gas Co., et al.	Consolidated Gas Supply Corp., Trap Hill and Marsh Fork Districts, Raleigh County, W. Va.	Contract 11-22-68 [3 46]	3	.....
C169-887 A 3-19-69	Texas Gas Exploration Corp.	Texas Gas Transmission Corp., Graham Lake Gas Field, Muhlenberg County, Ky.	Contract 3-7-69 [3]	24	.....

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C169-889..... A 3-19-69 [7]	Monsanto Co.....	Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla.	Contract 2-18-69 [8].....	96	.....
C169-890..... A 3-20-69 [7]	Grey Eagle Construction Co.	United Fuel Gas Co., Tug River District, Mingo County, W. Va.	Contract 11-22-68 [8].....	2	.....
C169-892..... A 3-21-69	Kendall-Davis Drilling Co., Inc. (Operator) et al.	Texas Gas Transmission Corp., Elk Creek Field, Hopkins County, Ky.	Contract 3-3-69 [8].....	2	.....
C169-897..... A 3-24-69 [7]	Union Oil Co. of California (Operator) et al.	Diamond Shamrock Corp., Farnsworth Field, Ochiltree County, Tex.	Contract 2-17-69.....	199	.....
C169-899..... (G-12012) [47] B 3-24-69	Union Oil Co. of California.	Northern Natural Gas Co., Harper Ranch Field, Clark and Comanche Counties, Kans.	Notice of cancellation 3-19-69 [8] [37]	[49] 115	9

[1] Deletes formations between 9,000' and 11,900' in a portion of Sec. 10, T10S, R1E including an estimated 100,000 Mcf of reserves now included in Department of Conservation Formed Gas Units. Cost to connect the gas to Tennessee's line is estimated at $18,000 (18 cents per Mcf).
[2] Corrects amendment dated Sept. 23, 1968, to reflect deletion of formations in the SE¼ instead of the NE¼ of Sec. 10, inadvertently deleted by such amendment.
[3] Effective date: Date of this order.
[4] No certificate filing made or necessary, however, the certificates in Docket Nos. G-3118 and G-3119 will be amended to reflect the transfer of the subject interests.
[5] Assigns acreage to Wolfson Oil Corp. which has a small producer certificate in Docket No. CS66-62.
[6] Assigns acreage to Dalport Oil Corp. which has a small producer certificate in Docket No. CS66-15.
[7] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[8] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[9] By letter filed Mar. 10, 1969, Applicant agreed to accept permanent authorization for the additional acreage conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[10] Amendment to the application to reflect a rate of 11.7438 cents per Mcf in lieu of 12.6334 cents per Mcf.
[11] Includes certificate of dissolution of Four States Drilling Co., Inc., and articles of dissolution of Four States Drilling Co., Inc.
[12] Midhurst acquired all the stock of Ryeade Oil Corp. and then liquidated Ryeade Oil Corp.
[13] Amendment to the application and revised contract summary filed to reflect a rate of 10 cents per Mcf in lieu of 13 cents per Mcf.
[14] Predecessor, John H. Trigg, d.b.a. John H. Trigg Co. never submitted filings to cover the subject acreage.
[15] Between Southern Union and Pan American's predecessor (Trigg). Pan American acquired this interest by assignment dated Feb. 20, 1967.
[16] Supplements Nos. 2 and 3 have been withdrawn and replaced by Supplement No. 4.
[17] Covers transferred acreage.
[18] New dedication.
[19] Partially supersedes Shell Oil Co. FPC GRS No. 184.
[20] Application to amend the certificate to resell gas purchased from Bridwell Oil Co. Bridwell received authorization to sell the gas to Texas San Juan Oil Corp. in Docket No. C160-224.
[21] Provides for a 5-year make-up period for gas sold from new acreage.
[22] Deletes acreage assigned to Shirley D. Knudson et al., d.b.a. A. & C. Oil & Gas Co., A-Ltd., in Docket No. C169-799.
[23] Filing of Dec. 30, 1965, made by predecessor, Compass Exploration, Inc. By letter filed Mar. 21, 1969, McCulloch agreed to accept an initial rate of 13 cents in lieu of originally proposed 14-cent rate.
[24] The abandonment applications erroneously assigned Dockets Nos. C169-856 and C169-857 will be treated as petitions to terminate the certificates heretofore issued in Dockets Nos. C164-983 and C164-1072, respectively, and Dockets Nos. C169-856 and C169-857 will be canceled.
[25] Acreage involved has been assigned to RPL Oil Co. which has a small producer certificate in Docket No. CS69-41.
[26] Transfers Sun's interest to Texaco, Inc.
[27] Source of gas depleted.
[28] Formation pressures have declined to levels too low to enable gas to enter buyer's high pressure line.
[29] Conveys interest of H. H. Champlin, Douglas L. Champlin and Joanna C. Thomas to Fain-Porter Drilling Corp.
[30] Complies with temporary certificate issued Mar. 21, 1969; Applicant states willingness to accept a permanent certificate conditioned by limiting buyer's take-or-pay obligation to a 1 to 7,300 ratio of reserves.
[31] The Jan. 27, 1969, filing pertains to acreage acquired via assignment dated Sept. 3, 1968, and the Feb. 17, 1969, filing pertains to acreage acquired via assignment dated Aug. 30, 1967.
[32] Also on file as Cities Service Oil Co. (Operator) et al., FPC GRS No. 202.
[33] Transfers certain acreage from Cities Service to Southwest Oil Industries, Inc. Also acknowledges that the subject acreage is dedicated to the Oct. 15, 1963 contract.
[34] No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.
[35] Conveys certain interests from Cities Service Oil Co. to Southwest Oil Industries, Inc., in Docket No. C169-717.
[36] Complies with temporary certificate issued Mar. 14, 1969; Applicant by letter dated Apr. 11, 1969, indicated willingness to accept a permanent certificate limiting the buyer's take-or-pay obligation to a 1 to 7,300 ratio of reserves.
[37] Between Applicant, seller and Equitable Gas Co., buyer. Covers the Linger and Droppleman Leases which were previously dedicated to Contract No. 5765 on file as Paul H. Ash et al., d.b.a. A. & C. Oil and Gas Co. FPC GRS No. 8 (Docket No. C162-655) and Contract No. 5658 on file as Elton A. Bayer, d.b.a. Bayer Gas Co., FPC GRS No. 1 (Docket No. C162-272).
[38] Applicant has agreed to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[39] Amends the contract to provide a pricing provision consistent with section 154.93 (b-1) of the regulations.
[40] Presently on file as Pan American Petroleum Corp. FPC GRS No. 494.
[41] From Pan American Petroleum Corp. to Holly Corp.
[42] By letter filed Mar. 21, 1969, Applicant advised willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf subject to B.t.u. adjustment for gas sold from Woods County, Okla., and 17 cents per Mcf subject to B.t.u. adjustment for gas sold from Woodward County, Okla.; and by letter of Apr. 8, 1969, advised willingness to accept a permanent certificate conditioned by limiting buyer's take-or-pay obligation to a 1 to 3,650 ratio of reserves during the first 2 contract years.
[43] Supersedes in part contracts dated Jan. 7, 1952 (No. 5131) and Jan. 28, 1952 (No. 5132) comprising M. A. Hall FPC GRS Nos. 7 and 8, respectively. Filing includes assignments dated Aug. 13, 1968 from M. A. Hall transferring the Ferrell and Fleming Leases to Applicant.
[44] Between Sinclair Oil Corp. and El Paso Natural Gas Co.; on file as Sinclair Oil Corp., FPC GRS No. 272.
[45] Sinclair Oil Corp. assigns interest in lease to R. C. Wynn.
[46] Applies only to a depth of 200 feet below the Berea Sandstone.
[47] Other sales covered under the certificate in Docket No. G-12012; therefore, the certificate in said docket will be terminated only insofar as it pertains to FPC GRS No. 115.
[48] Rate of 15 cents in effect subject to refund in Docket No. RI66-316 (no monies collected at 15 cents); therefore, the rate suspension proceeding pending in Docket No. RI66-316 will be terminated only with respect to Union's FPC GRS No. 115.

[F.R. Doc. 69-6449; Filed, June 3, 1969; 8:45 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

HOUSEHOLD PRODUCTS PRESENTING HEALTH AND SAFETY RISK

Supplemental Notice of Hearing

Reference is made to the notice of hearing published in the FEDERAL REGISTER on May 17, 1969 (34 F.R. 7883) (Public Law 90-146; 81 Stat. 466), concerning hearings on the Function and Effectiveness of State and Local Law in Insuring the Safety of Household Products. The locations of said hearings are as follows:

June 17, 1969, City Council Chamber, City Hall, Portland, Oreg.
June 19 and 20, 1969, Board of Public Works Hearing Room, Room 350, City Hall, Los Angeles, Calif.

Dated: May 28, 1969.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 69-6501; Filed, June 3, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

CERTAIN COMMODITIES

Denial of Requests for Reconsideration Under Fair Packaging and Labeling Act

The Federal Trade Commission published in the FEDERAL REGISTER on June 15, 1968 (33 F.R. 8773) Part 503—*Statements of General Policy or Interpretation* of Title 16—Commercial Practices; Chapter I—Federal Trade Commission; Subchapter E—Rules, Regulations, Statement of General Policy or Interpretation and Exemptions Under the Fair Packaging and Labeling Act on the status of specific items with regard to coverage under the Fair Packaging and Labeling Act. The commodities include:

Brooms and mops.
Fertilizers of the speciality type.
Shoelaces.
Automotive replacement parts.
Ink containers.
Liquified petroleum gas.
Textile fiber products.
House fixtures.
Motor oil.
Antifreeze.
Metal beds.
Metal cots.
Metal springs and dual purpose sleeping equipment.
Elastic fabric (braided, knitted, woven).
Stationery and other paper products including greeting cards and gift wrapping.
Paint, varnishes, and lacquers.
Ammunition.
Automotive chemical products.
Lubricants for home use.
Plastic shelf paper, plastic table cloths.
Safety flares (for auto and pleasure boating use).

Solvents and cleaning fluids for home use.
Toys.
Waxes for home use.

In the opinion of the Commission, all of the aforementioned items were "Consumer Commodities" within the meaning of the Fair Packaging and Labeling Act. In response to the June 15, 1968, publication several comments and requests for reconsideration were received and reviewed by the Commission; however, the Commission is of the opinion that modification or revision of the statement as published is not warranted.

Accordingly, Subchapter E, § 503.2 *Status of specific items under the Fair Packaging and Labeling Act* is confirmed as published in 33 F.R. 8773, June 15, 1968.

Issued: May 29, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-6576; Filed, June 3, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-6 (Rev. 5), Amdt. 2 Southwestern Area, Dallas, Tex.]

AREA COORDINATORS ET AL.

Delegation of Authority to Conduct Program Activities in the Southwestern Area

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134), Delegation of Authority No. 30-6 (Revision 5), Southwestern Area, 34 F.R. 5043, dated March 8, 1969, as amended (34 F.R. 5404, 34 F.R. 5883, 34 F.R. 6752) is further amended by:

1. Adding paragraph I. H. to read:

I. *Area Coordinators.*

* * * * * *

H. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

* * * * *

Effective date: May 19, 1969.

ROBERT E. WEST,
Area Administrator,
Southwestern Area.

[F.R. Doc. 69-6538; Filed, June 3, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction No. 43; Amdt. 2]

FLORIDA EAST COAST RAILWAY CO. ET AL.

Car Distribution

To: Florida East Coast Railway Co., Seaboard Coast Line Railroad Co., Louisville and Nashville Railroad Co., Missouri Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 43, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 43 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This Direction shall expire at 11:59 p.m., June 22, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 1, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

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

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-6562; Filed, June 3, 1969; 8:48 a.m.]

[S.O. 1002; Corrected Car Distribution Direction No. 44; Amdt. 2]

SEABOARD COAST LINE RAILROAD CO., ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., The Atchison, Topeka and Santa Fe Railway Co.

Upon further consideration of Corrected Car Distribution Direction No. 44, and good cause appearing therefor:

It is ordered, That:

Corrected Car Distribution Direction No. 44 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., June 22, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 1, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

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

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-6563; Filed, June 3, 1969; 8:48 a.m.]

[Notice 553]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 29, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Deviation No. 15), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed May 22, 1969. Carrier's representative: Ivan E. Moody, same address as applicant: Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Louisville, Ky., over Interstate Highway 65 to Chicago, Ill.; (2) from Louisville, Ky., over Interstate Highway 71 to junction Interstate Highway 75 near Cincinnati, Ohio, thence over Interstate Highway 75 to Detroit, Mich.; (3) from Indianapolis, Ind., over Interstate Highway 69 to Fort Wayne, Ind.; and (4) from Cincinnati, Ohio, over Interstate Highway 74 to Peoria, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Louisville, Ky., over U.S. Highway 31 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 30 at Fort Wayne, Ind., thence over U.S. Highway 30 to junction U.S. Highway 41 near Dyer, Ind., thence over U.S. Highway 41 to Chicago, Ill.; (2) from Louisville, Ky., over U.S. Highway 31 to Indianapolis, Ind., thence over Indiana Highway 37 to junction U.S.

Highway 24, thence over U.S. Highway 24 to Detroit, Mich.; (3) from Indianapolis, Ind., over Indiana Highway 37 to junction U.S. Highway 24, thence over U.S. Highway 24 to Fort Wayne, Ind.; and (4) from Cincinnati, Ohio, over U.S. Highway 52 to junction U.S. Highway 24, thence over U.S. Highway 24 to Peoria, Ill., and return over the same route.

No. MC 10761 (Deviation No. 49), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209, filed May 20, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Maryland Highway 3 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, D.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Baltimore, Md., and Washington, D.C., over U.S. Highway 1.

No. MC 35628 (Deviation No. 28), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, Mich. 49502, filed May 20, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Rochester, N.Y., over New York Highway 96 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 81, thence over Interstate Highway 81 to Harrisburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Rochester, N.Y., over U.S. Highway 15 to junction U.S. Highway 220 (portion formerly Pennsylvania Highway 14), near Williamsport, Pa., thence over U.S. Highway 220 to junction Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14), at Halls, Pa., thence over Pennsylvania Highway 147 to junction U.S. Highways 22–322 (formerly portion Pennsylvania Highway 14), at Dauphin, Pa., thence over U.S. Highways 22–322 to Harrisburg, Pa., and return over the same route.

No. MC 39406 (Deviation No. 8), CENTRAL MOTOR LINES, INC., Box 1067, Charlotte, N.C. 28201, filed May 23, 1969. Carrier's representative: Stewart E. Fulk, same address as applicant: Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Asheville, N.C., over Interstate Highway 40 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction U.S. Highway 25E, thence over U.S. Highway 25E to Corbin, Ky., thence over U.S. Highway 25 to Mount Vernon, Ky., thence over Interstate Highway 75 to Toledo, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Asheville, N.C., over U.S. Highway 25 to Tuxedo, N.C.; (2) from Hendersonville, N.C., over U.S. Highway 64 to Bat Cave, N.C.; (3) from Bat Cave, N.C., over U.S. Highway 74 to Shelby, N.C.; (4) from Shelby, N.C., over Alternate U.S. Highway 74 to junction U.S. Highway 74, thence over U.S. Highway 74 to Kings Mountain, N.C.; (5) from junction U.S. Highways 1 and 130, near Milltown, N.J., over U.S. Highway 1 to Washington, D.C., thence over U.S. Highway 29 to junction U.S. Highway 29A (formerly portion U.S. Highway 29) at or near Greensboro, N.C., thence over U.S. Highway 29A to junction U.S. Highway 29 at or near High Point, N.C., thence over U.S. Highway 29 to Greenville, S.C., thence over U.S. Highway 123 to Easley, S.C.;

(6) From Greensboro, N.C., over Interstate Highway 40 to Winston-Salem, N.C., thence over U.S. Highway 52 to Hillsville, Va., thence over U.S. Highway 221 to junction Virginia Highway 100, located about 1 mile northeast of Hillsville, thence over Virginia Highway 100 ta Pearisburg, Va., thence over U.S. Highway 460 to junction Interstate Highway 77, located about 3 miles east of Princeton, W. Va., thence over Interstate Highway 77 to junction U.S. Highway 119 located at or near Kanawha City, W. Va., thence over U.S. Highway 119 to Charleston, W. Va., thence over U.S. Highway 21 to junction Interstate Highway 77, located about 2 miles south of Sissonville, W. Va., thence over Interstate Highway 77 to junction U.S. Highway 21, located about 1 mile north of Fairplain, W. Va., thence over U.S. Highway 21 to Parkersburg, W. Va., thence over U.S. Highway 50 to Belpre, Ohio, thence over Ohio Highway 7 to Marietta, Ohio, thence over U.S. Highway 21 to junction Interstate Highway 77, located about 4 miles southeast of Cambridge, Ohio, thence over Interstate Highway 77 to junction U.S. Highway 21, located about 7 miles northeast of Cambridge, Ohio, thence over U.S. Highway 21 to Cleveland, Ohio; and (7) from Unionville (Washington County), Ohio, over Ohio Highway 60 to Zanesville, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 37, located about 1 mile south of Luray (Licking County), Ohio, thence over Ohio Highway 37 to junction Ohio Highway 161, located about 1 mile south of Granville, Ohio, thence over Ohio Highway 161 to Worthington, Ohio, thence over U.S. Highway 23 to junction Ohio Highway 199 located about 1 mile northwest of Fostoria, Ohio, thence over Ohio Highway 199 to junction U.S. Highway 20, located about 3 miles southeast of Lemoyne, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 120, at or near Lemoyne, Ohio, thence over Ohio Highway 120 to junction Interstate Highway 280, located about 2 miles north of Lemoyne, Ohio, thence over Interstate Highway 280 to Toledo, Ohio, and return over the same routes.

No. MC 44605 (Deviation No. 6), MILNE TRUCK LINES, INC., 2200 South Third West, Salt Lake City, Utah 84115, filed May 19, 1969. Carrier's representative: Hanry A. Dahn, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Spanish Fork, Utah, over U.S. Highway 50–89 to junction U.S. Highway 89, thence over U.S. Highway 89 to Flagstaff, Ariz., thence over Interstate Highway 17 (traversing Arizona Highway 79 where Interstate highway not completed) to Phoenix, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Salt Lake City, Utah, over U.S. Highway 91 to St. George, Utah; (2) from Las Vegas, Nev., over U.S. Highway 91 to Harrisburg Junction, Utah, thence over Utah Highway 17 to Hurricane, Utah; (3) from Wickenburg, Ariz., over U.S. Highway 89 to Congress Junction, Ariz., thence over Arizona Highway 71 to junction U.S. Highway 93, thence over U.S. Highway 93 via Wikieup, Ariz., to junction U.S. Highway 66 (approximately 1 mile east of Kingman, Ariz.), thence over U.S. Highway 66 to Kingman, Ariz., thence over U.S. Highway 93 to Alunite, Nev.; and (4) from Las Vegas, Nev., over U.S. Highway 95 to Vidal Junction, Calif., thence over unnumbered highway to Earp, Calif., thence across the Colorado River to Parker, Ariz., thence over Arizona Highway 72 to Hope, Ariz., thence over U.S. Highway 60 to Phoenix, Ariz., and return over the same routes.

No. MC 70083 (Deviation No. 2), DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill Industrial Park, Cherry Hill, N.J. 08034, filed May 20, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *such commodities*, as are dealt in by retail department stores, over deviation routes as follows: (1) From Philadelphia, Pa., over the Benjamin Franklin Bridge and U.S. Highway 30 (Admiral Wilson Boulevard) to junction New Jersey Highways 38 and 70, thence over New Jersey Highways 38–70 to junction New Jersey Highway 70, thence over New Jersey Highway 70 to junction Interstate Highway 295, thence north over Interstate Highway 295 to junction New Jersey Highway 73, thence east over New Jersey Highway 73 to junction New Jersey Turnpike, Interchange No. 4, thence over New Jersey Turnpike to Exit No. 16, the approach roads to the Lincoln Tunnel, thence through the Lincoln Tunnel to New York, N.Y. (also from exit No. 14 of the New Jersey Turnpike through the Holland Tunnel to New York, N.Y.; also from exit No. 16 of the New Jersey Turnpike over the New Jersey Turnpike to exit No. 18, thence over U.S. Highway 46 and the George Washington Bridge to New York, N.Y.); (2) from Philadelphia, Pa., over the Tacony Palmyra Bridge to New Jersey Highway 73, thence over New Jersey Highway 73 to junction New Jersey Turnpike, Interchange No. 4, thence over the New Jersey Turnpike as described in (1) above to New York, N.Y.;

(3) from Philadelphia, Pa., over the Tacony Palmyra Bridge to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, thence oyer U.S. Highway 1 to junction New Jersey Highway 18, thence over New Jersey Highway 18 to Interchange No. 9 of the New Jersey Turnpike, thence over the New Jersey Turnpike as described in (1) above to New York, N.Y.; (4) from Philadelphia, Pa., over the Benjamin Franklin Bridge and U.S. Highway 30 to junction New Jersey Highways 38–70, thence over New Jersey Highways 38–70 to junction New Jersey Highway 70, thence over New Jersey Highway 70 to junction Interstate Highway 295, thence over Interstate Highway 295 across the Delaware Memorial Bridge to junction U.S. Highway 13, thence over U.S. Highway 13 (also Alternate U.S. Highway 13) to Wilmington, Del.; (5) from Philadelphia, Pa., over the Walt Whitman Bridge to junction New Jersey Highway 42, thence over New Jersey Highway 42 to junction Interstate Highway 295, thence to Wilmington, Del., as described in (4) above; and (6) from Philadelphia, Pa., over Tacony Palmyra Bridge to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction New Jersey Turnpike, Interchange No. 4, thence over the New Jersey Turnpike to junction Interstate Highway 295, thence over the route described in (4) above to Wilmington, Del., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Philadelphia, Pa., over U.S. Highway 1 to New York, N.Y.; (2) from Philadelphia, Pa., over U.S. Highway 130 to junction U.S. Highway 1; (3) from Trenton, N.J., over U.S. Highway 206 to junction U.S. Highway 130; (4) from Burlington, N.J., over New Jersey Highway 413 across the Burlington-Bristol Bridge to junction Pennsylvania Highway 413, thence over Pennsylvania Highway 413 to junction U.S. Highway 13 at or near Bristol, Pa., thence over U.S. Highway 13 to Philadelphia, Pa.; and (5) from Philadelphia, Pa., over U.S. Highway 1 to junction U.S. Highway 202, thence over U.S. Highway 202 to Wilmington, Del., also from Philadelphia over city streets across the Delaware River to Camden, N.J., thence over New Jersey Highway 42 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 40, thence over U.S. Highway 40 across the Delaware Memorial Bridge to junction U.S. Highway 13, thence over U.S. Highway 13 to Wilmington, Del., and return over the same routes.

No. MC 112713 (Deviation No. 14), YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State line, Kansas City, Mo. 64114, filed May 21, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Greenville, S.C., over U.S. Highway 25 to junction Interstate Highway 26, thence over Interstate Highway 26 to junction Interstate Highway 40 near Asheville, N.C., thence over Interstate Highway 40 to Nashville, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Nashville, Tenn., over U.S. Highway 41 via Chattanooga, Tenn., to Atlanta, Ga.; (2) from Atlanta, Ga., over U.S. Highway 29 to Decatur, Ga.; (3) from Decatur, Ga., over U.S. Highway 29 to Lawrenceville, Ga.; and (4) from Lawrenceville, Ga., over U.S. Highway 29 to Greenville, S.C., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 124935 (Deviation No. 1), ALMEIDA BUS LINES, INC., Box A–954, New Bedford, Mass. 02740, filed May 19, 1969. Carrier's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From New Bedford, Mass., over Interstate Highway 195 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 24 to junction Rhode Island Highway 138; (2) from Westport, Mass., over U.S. Highway 6 to junction Massachusetts Highway 88, thence over Massachusetts Highway 88 to junction Interstate Highway 195, thence over Interstate Highway 195 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 24 to junction Rhode Island Highway 138; and (3) from junction Massachusetts Highways 140 and 24 at or near Taunton, Mass., over Massachusetts Highway 24 to junction Massachusetts Highway 81, thence over Massachusetts Highway 81 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 81 to junction Rhode Island Highway 177, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From New Bedford, Mass., over U.S. Highway 6 to junction Massachusetts Highway 177, thence over Massachusetts Highway 177 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 177 to junction Rhode Island Highway 77, thence over Rhode Island Highway 77 to junction Rhode Island Highways 138 and 24; (2) from Taunton, Mass., over Massachusetts Highway 140 to New Bedford, Mass.; and (3) from New Bedford, Mass., over the route described in (1) above to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 177 to junction Rhode Island Highway 81, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–6564; Filed, June 3, 1969; 8:48 a.m.]

[Notice 1299]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 29, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 127523 (Sub-No. 3) (Republication), filed February 11, 1968, published FEDERAL REGISTER issue of February 29, 1968, and republished this issue. Applicant: INTERNATIONAL WALNUT CORPORATION, CANADA, LTD., 109 Judson Street, Toronto 18, Ontario, Canada. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. By application filed February 11, 1968, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of lumber and lumber products; (1) between the ports of entry on the international boundary line between the United States and Canada located in Michigan, New York, Vermont, New Hampshire, and Maine (except points in Aroostook County, Maine), on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Restriction: The operations sought herein are subject to the condition that (a) all traffic transported shall either originate at or be destined to points in Canada, and (b) that traffic transported through the port of entry on the international boundary line between the United States and Canada located at Sault Ste. Marie, Mich., shall not originate at points in Canada; and

(2) between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine (except points in Aroostook County, Maine), Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Restricted (a) against the transportation of pallets from Millville, Pa., to points in New York; and (b) against the transportation of lumber from Catawissa, Millville, and Williamsport, Pa., to points in New York and Ohio.

All service is limited to a transportation service to be performed under a continuing contract, or contracts with Forest-All Sales & Products, Ltd., an Ontario corporation, and Forest-All Lumber, Inc., a New York corporation. A decision and order of the commission, Review Board No. 1, dated May 16, 1969, and served May 22, 1969, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, under a continuing contract or contracts with Forest-All Sales & Products, Ltd., of Weston, Ontario, Canada, and Forest-All Lumber, Inc., of Buffalo, N.Y., of lumber and lumber products, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine (except points in Aroostook County, Maine), Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, subject to the restriction (1) that traffic transported through the port of entry on the United States-Canada boundary line at Sault Ste. Marie, Mich., shall not originate at points in Canada, and further restricted (2) against the transportation of pallets from Millville, Pa., to points in New York and (3) against the transportation of lumber from Catawissa, Millville, and Williamsport, Pa., to points in New York and Ohio. The issuance of a permit authorizing the above-described service is conditioned upon the receipt of a written request by the applicant for concurrent cancellation of its presently held permits Nos. MC–127523 and MC–127523 (Sub-No. 2). Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which has been so prejudiced.

No. MC 129989 (Sub-No. 1) (Republication) filed November 12, 1968, published in FEDERAL REGISTER issue of December 5, 1968, and republished this issue. Applicant: JOSEPH GAPPA, Rapp Dam Road, Post Office Box 428, Phoenixville, Pa. 19460. Applicant's representative: Charles L. Frank, Thompson Building, Pottsville, Pa. 17901. By application filed November 12, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting: Animal fleshings, lime splits and pieces, and heads of animal hides, from Reading, Pa., to Gowanda, N.Y., and Woburn, Mass. An order of the Commission, Operating Rights Board, dated May 16, 1969, and served May 27, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting of *tannery byproducts* from Reading, Pa., to Gowanda, N.Y., and Woburn, Mass.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

Nos. MC 133172 and MC 133174 (Republications), filed September 16, 1968, concurrently and published in the FEDERAL REGISTER issues of November 14, 1968, and October 10, 1968, respectively, and republished this issue. (1) No. MC 133172—Applicant: GREAT SOUTHWEST WAREHOUSES, INC., 5929 East Northwest Highway, Dallas, Tex. 75231. (2) No. MC 133174—Applicant: LEWIS TRANSFER AND STORAGE CO., INC., 218 Southwest Second Street, Grand Prairie, Tex. Applicants' representative respectively: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102. Upon consideration of applications filed September 16, 1968 respectively, applicants seek certificated authority of public convenience and necessity to operate in interstate or foreign commerce, as common carriers by motor vehicle over irregular routes, of used household goods, between points in described territory pursuant to the interpretations reached in *Kingpak, Inc., Investigation of Operations*, 103 M.C.C. 318. A report of the Commission, Review Board No. 1, decided May 13, 1969, and served May 19, 1969, embracing the two below-listed applications, finds that the present and future public convenience and necessity require operation by each applicant repectively, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods* from and to the respective points listed below: In No. MC–133172: (1) between points in Cooke, Grayson, Fannin, Denton, Collin, Hunt, Tarrant, Dallas, Kauffman, Johnson, Ellis, and Rockwall Counties, Tex.; and

(2) Between points in Harris and Galveston Counties, Tex. In No. MC–133174: between points in Tarrant, Dallas, Rockwall, Johnson, Ellis, and Kauffman Counties, Tex.; each applicant restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; and that each applicant is fit, willing, and able properly to perform the operations described in this report and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the applications as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of certificates in this proceedings will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 109746 (Sub-No. 4) (Notice of Filing of Petition for Modification of Permit), filed May 15, 1969. Petitioner: BLUE STREAK TRUCKING CO., a corporation, Elizabeth, N.J. Petitioner's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Petitioner is authorized in MC 109746 Sub 4 to conduct motor contract carrier operations as follows, over irregular route: (1) *Fresh meats*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., and Elizabeth, N.J., to Monticello, N.Y., and Philadelphia, Pa., with no transportation for compensation on return except as otherwise authorized, from Elizabeth, N.J., and New York, N.Y., to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine (except those in Aroostook County), with no transportation for compensation on return except as otherwise authorized. (2) *Meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except in bulk, in tank vehicles, (a) from Linden, N.J., and New York, N.Y., to points in Rockland County,

N.Y., and points in Fairfield, Hartford, and New Haven Counties, Conn., with no transportation for compensation on return except as otherwise authorized; (b) from Linden, N.J., to Peekskill and Poughkeepsie, N.Y., with no transportation for compensation on return except as otherwise authorized;

(3) *Meats, meat products, and meat byproducts,* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from Elizabeth, N.J., to Philadelphia, Pa., with no transportation for compensation on return except as otherwise authorized; (4) *such commodities,* as are classified as meats, meat products and meat byproducts in appendix A to the report in *Modification of Permits—Packinghouse Products,* 46 M.C.C. 23, from Elizabeth, N.J., to Baltimore, Catonsville, and Lemoine, Md., and Harrisburg, Reading, York, Columbia, Allentown, Bethlehem, Lebanon, and Lancaster, Pa., with no transportation for compensation on return except as otherwise authorized; (5) *The commodities* classified as meats, meat products, and meat byproducts in section A of the appendix to the report in *Modification of Permits—Packinghouse products,* 46 M.C.C. 23; from New York, N.Y., to points in Morris and Middlesex Counties, N.J., with no transportation for compensation on return except as otherwise authorized; (6) *Meats, meat products, and poultry,* (a) between New York, N.Y., on the one hand, and, on the other, points in Hudson, Essex, Union, Passaic, and Bergen Counties, N.J., (b) between New York, N.Y., on the one hand, and, on the other, Trenton, N.J., and Philadelphia, Pa.; (7) *Fresh meats,* from New York, N.Y., to Albany, N.Y., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Forest Packing Co., of Elizabeth, N.J., Ben Zeger Associates, Inc., of New York, N.Y., Fudim Bros., Inc., of Jersey City, N.J. By the instant petition, petitioner seeks to amend its permit by deleting therefrom the names of Forest Packing Co., of Elizabeth, N.J., and Judim Bros., Inc., of Jersey City, N.J., as contracting shippers, and in lieu thereof to add as a contracting shipper the name of The Tupman Thurlow Co., Inc., of New York, N.Y. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115025 (Sub-No. 13) (Notice of Filing of Petition for Interpretation of Certificate), filed February 10, 1969. Petitioner: THE SHORT LINE OF CONNECTICUT, INCORPORATED, doing business as THE SHORT LINE, 667 Cromwell Avenue, Rocky Hill, Conn. Petitioner's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Petitioner states it is authorized in MC 115025 Sub 13, the part here pertinent, to transport passengers and their baggage, in interstate or foreign commerce, as a motor common carrier, over irregular routes, in special operations in seasonal operations, annually, from May 15 to September 15, inclusive, between points on its authorized regular routes, between Springfield, Mass., and Hartford, Conn., on the one hand, and, on the other, Misquimacut Beach, R.I. By the instant petition, petitioner seeks an interpretation of the above-portion of its certificate, or, in the alternative, to accept for filing and processing the OP–OR–9 application seeking authority to engage in such operations, filed simultaneously with this petition, and published in tomorrow's issue of the FEDERAL REGISTER, under No. MC 115025 (Sub-No. 14).

No. MC 126885, MC 126885 (Sub-No. 1), and MC 126885 (Sub-No. 2), (Notice of Filing of Petition for Authority To Add Additional Contracting Shipper), filed May 13, 1969. Petitioner: WALNUT TRUCKING CO., INC., Rural Delivery No. 1, New Oxford, Pa. 17350. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. The operating authority now held by petitioner involved herein reads as follows: Irregular routes: *Brick* (other than firebrick) and *calcium carbonate,* From Baltimore, Md., and Vineland and Cliffwood, N.J., to points in Connecticut, New Jersey, New York, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. *Calcium Chloride,* in bags, From Barberton, Ohio, to Newark, N.J., Mount Vernon, N.Y., Philadelphia, Pa., and Bridgeport, Conn., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Tompkins Bros. Co., Inc., of Newark, N.J. *Brick* (other than firebrick) and *calcium carbonate,* From Rock Bridge, Md., to points in New Jersey, New York, Pennsylvania, and Connecticut, under a continuing contract with Tompkins Bros. Co., Inc., of Newark, N.J.

Face brick, From New Brighton, Kittanning, New Castle, and Clearfield, Pa., Waynesburg, Cleveland, Sugar Creek, Morral, Caledonia, and Canton, Ohio, Somerset and Manassas, Va., and Brazil, Ind., to points in New Jersey, New York, and Connecticut, with no transportation for compensation on return except as otherwise authorized. From Waynesburg, Cleveland, Sugar Creek, Morral, Caledonia, and Canton, Ohio, Somerset and Manassas, Va., and Brazil, Ind., to points in Pennsylvania, with no transportation for compensation on return except as otherwise authorized. From Belle Mead, N.J., to points in Pennsylvania, New York, and Connecticut, with no transportation for compensation on return except as otherwise authorized. *Fire bricks,* From Altoona, Pa., to points in New Jersey, New York, and Connecticut, with no transportation for compensation on return except as otherwise authorized. From Mount Savage, Md., to points in New Jersey, New York, Connecticut, Pennsylvania, with no transportation for compensation on return except as otherwise authorized. *Waterproofing cement mixes, Codings, and cement paints,* other than in bulk, in tank vehicles, From New Eagle, Pa., to points in New Jersey, New York, and Connecticut, with no transportation for compensation on return except as otherwise authorized. *Wheelbarrows, mortar pans, and mortar boxes,* From Harrisburg, Pa., to points in New Jersey, New York, and Connecticut, with no transportation for compensation on return except as otherwise authorized. *Welded steel wall ties and reinforcement bars,* From Baltimore, Md., to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Tompkins Bros. Co., Inc., of Newark, N.J. By the instant petition, petitioner seeks to add the following shipper to the authority now held by it: Haines Brick, Inc., 300 Cedar Boulevard, Pittsburgh, Pa. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210(a)(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10490. Authority sought for purchase by HARRY L. YOUNG AND SONS, INC., 542 West Sixth South, Salt Lake City, Utah, of the operating rights of ROBERT A. PALMER, doing business as WARNER TRUCK LINE, 1434 South Third West, Salt Lake City, Utah, and for acquisition by HARRY L. YOUNG and MARVIN R. YOUNG, both also of 542 West Sixth South, Salt Lake City, Utah, of control of such rights through the purchase. Applicants' attorney: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities, in bulk, as a *common carrier,* over a regular route, between Fillmore, Utah, and Salt Lake City, Utah, serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in Utah, Nevada, Idaho, Montana, Arizona, and California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10491. Authority sought for purchase by J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061, of the operating rights of BARNEY BURKE TRANSFER COMPANY, INC., 111 East Liberty Street, Savannah, Ga. 31401, and for acquisition by JIMMIE McCLINTON, Post Office Box 589, Americus, Ga., of control of such rights through the purchase. Applicants' Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Operating rights sought to be transferred: *Lumber*, as a *common carrier*, over irregular routes, between points in that part of Georgia on, north, and east of a line beginning at Savannah, Ga., and extending along U.S. Highway 80 to Macon, Ga., thence along U.S. Highway 129 to Blairsville, Ga., and thence along Georgia Highway 11 to the Georgia-North Carolina State line, on the one hand, and, on the other, points in Florida and South Carolina. Vendee is authorized to operate as a *common carrier* in North Carolina, Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee, Missouri, Kansas, Arkansas, Illinois, Kentucky, Louisiana, Texas, Virginia, West Virginia, Oklahoma, Nebraska, Iowa, Minnesota, Indiana, Michigan, Ohio, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Vermont, New Hampshire, Maine, Rhode Island, Massachusetts, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10492. Authority sought for control and merger by E. W. BOHREN TRANSPORT, INC., Box 95, Woodburn, Ind. 46797, of the operating rights and property of MISSISSIPPI-EAST, INC., 69 West Woodland Avenue, Washington, Pa. 15301, and for acquisition by E. W. BOHREN, R.R. No. 2, Woodburn, Ind. 46797, of control of such rights and property through the transaction. Applicants' attorney and representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219 and Robert L. Ceisler, 80 East Chestnut, Washington, Pa. 15301. Operating rights sought to be controlled and merged: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, *coal-stripping machinery, and construction machinery*, as a *common carrier* over irregular routes, between certain specified points in Pennsylvania, on the one hand, and, on the other, points in West Virginia on and north of U.S. Highway 60, and those in Ohio on and east of U.S. Highway 23; *glass-making machinery*, between Washington, Pa., and points within 2 miles thereof, on the one hand, and, on the other, points in the above-described territory in West Virginia and Ohio; *such commodities as contractors' equipment, heavy and bulky articles, machinery and machine parts, and articles* requiring specialized handling or rigging because of size or weight, between certain specified points in Pennsylvania between points in that part of Ohio on and east of U.S. Highway 21, between points in West Virginia, between points in the above Pennsylvania territory, on the one hand, and, on the other, points in West Virginia and that part of Ohio on and east of U.S. Highway 21. E. W. BOHREN TRANSPORT, INC., is authorized to operate as a *contract carrier* in Illinois, Indiana, Ohio, Pennsylvania, Kentucky, Michigan, New York, West Virginia, Maryland, Massachusetts, Minnesota, New Jersey, Wisconsin, and Iowa. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10493. Authority sought for control by H. G. PRINCE & COMPANY, 215 Fremont Street, San Francisco, Calif. 94119, of WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elms Springs, Ark. 72728, and for acquisition by DEL MONTE CORPORATION, also of San Francisco, Calif., of control of WILLIS SHAW FROZEN EXPRESS, INC., through the acquisition by H. G. PRINCE & COMPANY. Applicants' attorneys and representative: Edward D. Ransom, 311 California Street, San Francisco, Calif. 94104. Bobby Shaw and R. Frederic Fisher, both of Elm Springs, Ark. Operating rights sought to be controlled: *Frozen foods*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in all States in the United States (except Alaska and Hawaii) and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC–117119 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for the purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. H. G. PRINCE & COMPANY, holds no authority from this Commission. However, its controlling stockholder is affiliated with ENCINAL TERMINALS, 1521 Buena Vista Avenue, Alameda, Calif., which is authorized to operate as a *common carrier* in California; NEEDHAM'S MOTOR SERVICE, INC., Post Office Box 138, Hightstown, N.J., which is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, and New York; and SHIPPERS EXPRESS COMPANY, Post Office Box 5790, San Jose, Calif., which is authorized to operate as a *common carrier* under a certificate of registration, within the State of California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10494. Authority sought for purchase by TEXAS FILM SERVICE, INC., 150 East Zavalla Street, San Antonio, Tex. 78204, of the operating rights and property of WILLIAM THOMAS HAWKINS, doing business as HAWKINS FILM SERVICE, 427 West Hollywood Street, San Antonio, Tex. 78212, and for acquisition by ALFRED W. NEGLEY, 110 East Crockett, San Antonio, Tex. 78205, and JOHN M. REED, 150 East Zavalla, San Antonio, Tex. 78204, of control of such rights through the purchase. Applicants' attorneys: David A. Sutherlund and Theodore Polydoroff, both of 1140 Connecticut Avenue, NW., Washington, D.C. 20036. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120281, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Texas. Vendee is authorized to operate under a certificate of registration, as a common carrier, in the State of Texas. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC–F–10489. Authority sought for control by PHILADELPHIA SUBURBAN TRANSPORTATION COMPANY, 234 Bryn Mawr Avenue, Bryn Mawr, Pa. 19010, of (1) BRIDGETON TRANSIT, 690 North Pearl Street, Bridgeton, N.J. 08302, and (2) C. & S. TRANSIT, INC., 690 North Pearl Street, Bridgeton, N.J. 08302. Applicants' attorney and representative: Santo J. Salvo, 1 Elizabeth Avenue, Millville, N.J. 08332, and Alexander Markowitz, 1619 Woodcrest Drive, Vineland, N.J. 08360. Operating rights sought to be controlled: (1) Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Bridgeton, N.J., and New York, N.Y., serving certain intermediate points; over two alternate routes for operating convenience only; Migrant workers as defined in section 203(a)(23) of the Interstate Commerce Act, and their baggage in the same vehicle, as a *contract carrier*, over irregular routes, between certain specified points in New Jersey, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) Passengers and their baggage, restricted to traffic originating and terminating at the same points within the territory indicated, in charter operations, as a *common carrier*, over irregular routes, from Bridgeton, N.J., and points in Cumberland County, N.J., within 15 miles of Bridgeton, and points in Salem County, N.J., east of New Jersey Highway 77 (formerly New Jersey Highway 46), to Alexandria, Va., the District of Columbia, points in Delaware, those in Fairfax and Arlington Counties, Va., those in Pennsylvania south and east of a line beginning at Easton, Pa., and extending along U.S. Highway 22 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, and those in Maryland (except those in Allegany and Washington Counties), and return. PHILADELPHIA SUBURBAN TRANSPORTATION COMPANY holds no authority from this Commission. However,

it controls RED ARROW LINES, INC., 69th Street Terminal Building, Upper Darby, Pa., which is authorized to operate as a *common carrier* in New Jersey and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6565; Filed, June 3, 1969; 8:48 a.m.]

[Notice No. 842]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 29, 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 127219 (Sub-No. 2 TA) (Correction), filed April 14, 1969, published FEDERAL REGISTER, issue of April 24, 1969, and republished as corrected this issue. Applicant: STEPHEN R. KEREK, doing business as KEREK'S AIR FREIGHT SERVICE, Post Office Box 213, Lancaster, Pa. 17601. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), having a prior or subsequent movement by air, between points in Berks County, Pa., on the one hand, and, on the other, points in Manheim Township, Lancaster County, Pa., for 180 days. NOTE: The purpose of this republication is to show that applicant states that it intends to tack this authority with No. MC 127219 (Sub-No. 1). Supporting shippers: Pennsylvania Cut Flower & Supply Co., 433 West Douglass Street, Reading, Pa. 19601, The "Elge" Spark Wheel Co., 120 Madison Avenue, Reading, Pa. 19601, Reading Foreign Traders, 607 Washington Street, Post Office Box 142, Reading, Pa. 19603, Mercator Corp., 607 Washington Street, Post Office Box 142, Reading, Pa. 19603, and Columbia-Minerva Corp., Post Office Box 500, Robesonia, Pa. 19551. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 129557 (Sub-No. 2 TA) (Amendment), filed April 7, 1969, published FEDERAL REGISTER, issue of April 15, 1969, and republished as amended this issue. Applicant: PAONE TRUCKING, INC., 88 Briggs Street, Cranston, R.I. 02920. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pumice*, crushed, in bulk, in dump vehicles, from Portsmouth, N.H., to Cranston, R.I., for 150 days. NOTE: The purpose of this republication is to show that application has been amended to seek authority from Portsmouth, N.H., in lieu of Manchester, N.H. Supporting shipper: Park Avenue Cement Block Co., Inc., 30 Budlong Road (off 1350 Park Avenue), Post Office Box 3530 Cranston, R.I. 02910. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6566; Filed, June 3, 1969; 8:48 a.m.]

[Notice 355]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 28, 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-70543. By order of May 20, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to Charles Oliver, Marjorie Oliver, George Oliver, and Maude Oliver, a partnership, doing business as Oliver Fuel Co., 504 North Sixth, Corvallis, Oreg. 97330, of the operating rights in certificate No. MC-118939 issued April 18, 1960, to John F. Stehle and Eva M. Stehle, a partnership, doing business as Oregon Chips Co., Corvallis, Oreg., authorizing the transportation of wood chips, from Philomath, Oreg., to Longview, Wash. Ronald G. Young, 425 West Second Avenue, Albany, Oreg. 97321, attorney for transferor.

No. MC-FC-71277. By order of May 16, 1969, the Motor Carrier Board approved the transfer to Carolina East Furniture Transport, Inc., Sumter, S.C., of the operating rights in certificate No. MC-115257 (Sub-No. 30) issued March 2, 1967, to Shamrock Van Lines, Inc., Post Office Box 5447, Dallas, Tex. 75222, authorizing the transportation of new furniture, damaged or rejected shipments of new furniture, and used furniture, from or to points in South Carolina, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, Texas, Alabama, Georgia, Florida, Maryland, North Carolina, Virginia, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Delaware, Rhode Island, and the District of Columbia. Joseph G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004, attorney for transferee.

No. MC-FC-71286. By order of May 14, 1969, the Motor Carrier Board approved the transfer to Gilbert Drennan, Staten Island, N.Y., of certificate in No. MC-15398, issued October 18, 1968, to New Dorp Transfer & Storage Corp., Staten Island, N.Y.; authorizing the transportation of: Household goods, between points in Staten Island, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC-FC-71287. By order of May 14, 1969, the Motor Carrier Board approved the transfer to Staten Island Moving & Storage, Inc.; Staten Island, N.Y., of certificate in No. MC-15398, issued October 18, 1968, to New Dorp Transfer and Storage Corp., Staten Island, N.Y., and acquired by Gilbert Drennan, Staten Island, N.Y.; authorizing the transportation of: Household goods, between points in Staten Island, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC-FC-71316. By order of May 20, 1969, the Motor Carrier Board approved the transfer to Sentinel Freight Lines, Inc., Hopatcong, N.J., of the permits in Nos. MC-303 and MC-303 (Sub-No. 9) issued October 31, 1956 and May 11, 1964, respectively, to Dover Trucking Co., a corporation, Rockaway, N.J., authorizing the transportation of specified commodities betwen Dover, N.J., on the one hand, and, on the other, points in New Jersey, Rhode Island, Connecticut, Massachusetts, and the District of Columbia, and those in Vermont, New Hampshire, New York, Pennsylvania, Maryland, and Virginia, within 250 miles of Dover, N.J. James J. Farrell, 206 North Boulevard, Delmar, N.J. 07719, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6567; Filed, June 3, 1969; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JUNE

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 June

FEDERAL REGISTER

VOLUME 34 • NUMBER 106

Wednesday, June 4, 1969 • Washington, D.C.

PART II

Department of Health, Education, and Welfare

Public Health Service

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Control of Electronic Product Radiation

Delegations of Authority and Notice of Proposed Rule Making

Title 42—PUBLIC HEALTH

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

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 78—REGULATIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Delegations of Authority

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the establishment of Part 78 and issuance of Subpart A which sets forth, in summary form, the delegations of authority under the Radiation Control for Health and Safety Act of 1968 (Public Law 90-602, 42 U.S.C. 263b et seq.) and relates to the internal management of the Department. Accordingly, these regulations shall become effective on the date of their publication in the FEDERAL REGISTER.

A new Part 78 is added to read as follows:

Subpart A—Administrative Functions, Practices, and Procedures

DELEGATION OF AUTHORITY

Sec.
78.1 Delegations to Administrator, CPEHS.
78.2 Redelegation of Authority to Commissioner, ECA.
78.3 Redelegation to Director, Bureau of Radiological Health.

AUTHORITY: The provisions of Subpart A of this Part 78 issued under sec. 215, 58 Stat. 690, 42 U.S.C. 216.

§ 78.1 Delegations to Administrator, CPEHS.

Pursuant to delegations of authority from the Secretary and Assistant Secretary (Health and Scientific Affairs) the Administrator, Consumer Protection and Environmental Health Service, has the authority to issue and approve regulations and to perform all other functions vested in the Secretary under the Radiation Control for Health and Safety Act of 1968 (Public Law 90-602; 42 U.S.C. 263b et seq.).

§ 78.2 Redelegation of Authority to Commissioner, ECA.

The Administrator, Consumer Protection and Environmental Health Service has redelegated to the Commissioner, Environmental Control Administration, all of the authority under the Act previously delegated to the Administrator and has specified that this authority, except for the authority to issue and approve regulations, may be redelegated with the consent of the Administrator.

§ 78.3 Redelegation to Director, Bureau of Radiological Health.

The Commissioner, Environmental Control Administration, has delegated to the Director, Bureau of Radiological Health (with the approval of the Administrator, Consumer Protection and Environmental Health Service), all delegable authority under the Act which has been delegated to the Commissioner by the Administrator, except the authority to:

(a) Exempt, under section 358(a)(5) of the Act, any electronic product intended for use by departments or agencies of the United States from the provisions of section 358 of the Act.

(b) Establish a Technical Electronic Product Radiation Safety Standards Committee under section 358(f) of the Act and appoint members thereto.

(c) Exempt manufacturers from the notification provisions of or direct manufacturers to notify the persons specified in section 359(b) of the Act.

(d) Exempt any electronic product or class of electronic product as provided under section 360B(b) of the Act.

(e) Remit or mitigate any civil penalty imposed for violation of the Act as provided in section 360C(b)(2) of the Act.

CHRIS A. HANSEN,
Assistant Surgeon General, Commissioner, Environmental Control Administration.

MAY 23, 1969.

[F.R. Doc. 69-6440; Filed, June 3, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 78]

CONTROL OF ELECTRONIC PRODUCT RADIATION

Notice of Proposed Rule Making

Notice is hereby given of a proposal to amend Part 78 by prescribing regulations, as set forth below, under the Radiation Control for Health and Safety Act of 1968 (Public Law 90-602, 42 U.S.C. 263b et seq.).

Subpart B of the proposed regulations would, in addition to defining certain terms used in the Act, set forth a list intended to serve as illustrative examples of electronic products subject to the Act. Subparts C–E are reserved. Subpart G would apply to the importation of electronic products which are subject to any standard prescribed under the Act.

Subpart F would prescribe the notification procedures required of manufacturers of any electronic product found to have a defect relating to the safety of its use by reason of the emission of electronic product radiation (or which fails to comply with an applicable Federal standard). Moreover, the subpart, in the case of any such product, would prescribe the procedure for and manner in which manufacturers would repair, replace or refund the cost of the product. Provisions relating to performance standards, recordkeeping requirements, and other implementing regulations will be published separately.

Inquiries may be addressed, and data, views, and argument may be submitted in writing to the Director, Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, Md. 20852. All relevant material received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make the regulations effective after republication in the FEDERAL REGISTER.

The delegations of responsibility have been summarized and appear as Subpart A, which are not published as proposed rules but rather as actual regulations.

The amendments to Part 78 would provide as follows:

Subpart B—Definitions, Interpretations, and Statements of General Policy

Sec.
78.100 Definitions and interpretations.
78.101 Examples of electronic products subject to the Radiation Control for Health and Safety Act of 1968.

Subparts C–E—[Reserved]

Subpart F—Notification of Defects in, and Repair or Replacement of, Electronic Products

Sec.
78.500 Applicability.
78.501 Defect in electronic product.
78.502 Discovery of defect by manufacturer; notice requirements.
78.503 Notification by the manufacturer to the Secretary.
78.504 Notification by the manufacturer to affected persons.
78.505 Copies of communications sent to first purchasers, dealers, or distributors.
78.506 Application for exemption from notification requirements.
78.507 Granting the exemption.
78.508 Determination by Secretary that product has defect.
78.509 Manufacturer's obligation to repair, replace, or refund cost of electronic products.
78.510 Plans for the repair of electronic products.
78.511 Plans for the replacement of electronic products.
78.512 Plans for refunding the cost of electronic products.
78.513 Approval of plans.
78.514 Effect of regulations on other laws.

Subpart G—Importation of Electronic Products

78.601 Applicability.
78.602 Definitions.
78.603 Importation of noncomplying goods prohibited.
78.604 Notice of sampling.
78.605 Payment for samples.
78.606 Hearing.
78.607 Application for permission to bring product into compliance.
78.608 Granting permission to bring product into compliance.
78.609 Bonds.
78.610 Costs of bringing product into compliance.
78.611–78.629 [Reserved]

SERVICE OF PROCESS

78.630 Service of process on manufacturers and importers.

AUTHORITY: The provisions of Subparts B and G of this Part 78 issued under sec. 215, 58 Stat. 690, sec. 356, 82 Stat. 1174; 42 U.S.C. 216, 263d. The provisions of Subpart F of this Part 78 issued under sec. 359, 82 Stat. 1180; 42 U.S.C. 263g.

Subpart B—Definitions, Interpretation and Statements of General Policy

§ 78.100 Definitions and interpretations.

As used in Part 78

(a) "Electronic product radiation" means—

(1) Any ionizing or nonionizing electromagnetic or particulate radiation, or

(2) Any sonic, infrasonic, or ultrasonic wave, which is emitted from an electronic product as the result of the operation of an electronic circuit in such product;

(b) "Electromagnetic radiation" includes the entire electromagnetic spectrum of radiation of any wavelength. The electromagnetic spectrum illustrated in Figure 1 includes, but is not limited to, gamma rays, x-rays, ultraviolet, visible, infrared, microwave, radiowave and low frequency radiations.

(c) "Particulate radiation" is defined as charged particles such as protons, electrons, alpha particles, heavy particles, etc., which have sufficient kinetic energy to produce ionization or atomic or electron excitation by collision, electrical attraction or electrical repulsion or uncharged particles such as neutrons, which can initiate a nuclear transformation or liberate charged particles having sufficient kinetic energy to produce ionization or atomic or electron excitation by collision.

(d) "Infrasonic, sonic (or audible) and ultrasonic waves" refer to energy transmitted as an alteration (pressure, particle displacement, or density) in a property of an elastic medium (gas, liquid, or solid) that can be detected by an instrument or listener.

(e) "Electronic product" means (1) any manufactured or assembled product which, when in operation, (i) contains or acts as part of an electronic circuit and (ii) emits (or in the absence of effective shielding or other controls would emit) electronic product radiation, or (2) any manufactured or assembled article which is intended for use as a component, part, or accessory of a product described in subparagraph 1 of this paragraph and which when in operation emits (or in the absence of effective shielding or other controls would emit) such radiation;

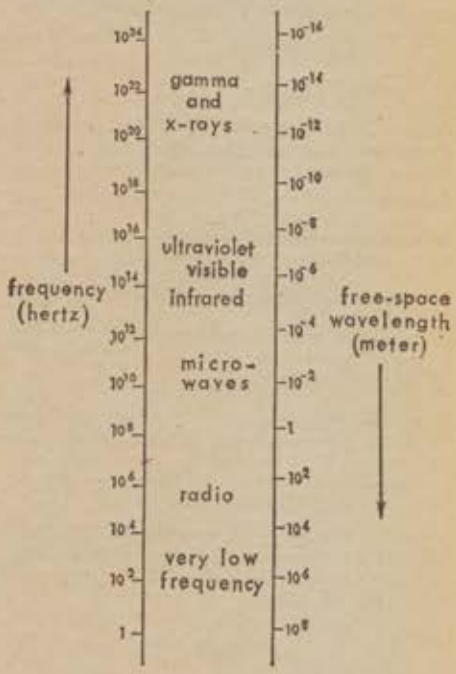

Figure 1. The Electromagnetic Spectrum

(f) "Manufacturer" means any person engaged in the business of manufacturing, assembling, or importing of electronic products;

(g) "Commerce" means (1) commerce between any place in any State and any place outside thereof, and (2) commerce wholly within the District of Columbia; and

(h) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

§ 78.101 Examples of electronic products subject to the Radiation Control for Health and Safety Act of 1968.

The following listed electronic products are intended to serve as illustrative examples of sources of electronic product

radiation to which the regulations of this part apply.

(a) Examples of electronic products which may emit x-rays and other ionizing electromagnetic radiation, electrons, neutrons, and other particulate radiation include:

Ionizing electromagnetic radiation:
- Television receivers.
- Accelerators.
- X-ray machines (industrial, medical, research, educational).

Particulate radiation and ionizing electromagnetic radiation:
- Electron microscopes.
- Neutron generators.

(b) Examples of electronic products which may emit ultraviolet, visible, infrared, microwave, radio and low frequency electromagnetic radiation include:

Ultraviolet:
- Biochemical and medical analyzers.
- Canning and therapeutic lamps.
- Sanitizing and sterilizing devices.
- Black light sources.
- Welding equipment.

Visible:
- White light devices.

Infrared:
- Alarm systems.
- Dryers, ovens, and heaters.
- Therapeutic lamps.

Microwave:
- Alarm systems.
- Diathermy units.
- Dryers, ovens, and heaters.
- Medico-biological heaters.
- Microwave power generating devices.
- Radar devices.
- Remote control devices.
- Signal generators.

Radio and low frequency:
- Cauterizers.
- Diathermy units.
- Power generation and transmission equipment.
- Signal generators.
- Electromedical equipment.

(c) Examples of electronic products which may emit coherent electromagnetic radiation produced by stimulated emission include:

Laser:
- Art-form, experimental and educational devices.
- Biomedical analyzers.
- Cauterizing, burning, and welding devices.
- Cutting and drilling devices.
- Communications transmitters.
- Rangefinding devices.

Maser:
- Communications transmitters.

(d) Examples of electronic products which may emit infrasonic, sonic, and ultrasonic vibrations resulting from operation of an electronic circuit include:

Infrasonic:
- Vibrators.

Sonic:
- Electronic oscillators.
- Sound amplification equipment.

Ultrasonic:
- Cauterizers.
- Cell and tissue disintegrators.
- Cleaners.
- Diagnostic and nondestructive testing equipment.
- Ranging and detection equipment.

Subpart F—Notification of Defects in, and Repair or Replacement of, Electronic Products

§ 78.500 Applicability.

The provisions of this subpart are applicable to electronic products which are manufactured after October 18, 1968, but nothing in this paragraph will preclude the Secretary from giving public notice of defects in products manufactured before that date upon finding that the defect involves a substantial hazard to the health of persons in possession of such electronic products.

§ 78.501 Defect in electronic product.

An electronic product shall be considered to have a defect which relates to the safety of use if such product fails to comply with its design specifications to assure safety or if it creates or may create a risk of injury, including genetic injury, to any person by reason of the emission of electronic product radiation.

§ 78.502 Discovery of defect by manufacturer; notice requirements.

Any manufacturer who discovers that any electronic product produced, assembled, or imported by him, which product has left its place of manufacture, has a defect or fails to comply with an applicable Federal standard, shall:

(a) Immediately notify the Secretary in accordance with § 78.503; and

(b) Except as authorized by § 78.506, furnish notification with reasonable promptness to the following persons:

(1) The dealers or distributors to whom such product was delivered by the manufacturer; and

(2) The first purchaser of such product for purposes other than resale, and to any subsequent transferee of such product (where known to the manufacturer or where the manufacturer upon reasonable inquiry to dealers, distributors or first purchasers can identify the present user).

(c) If the defect or failure to comply with an applicable Federal standard involves a substantial health hazard as determined by the Secretary and the manufacturer does not know or cannot reasonably obtain the names of persons in possession of the electronic product, give public notice of the defect or failure to comply including appropriate cautionary action that should be taken.

§ 78.503 Notification by the manufacturer to the Secretary.

The notification to the Secretary required by § 78.502(a) shall be confirmed in writing and, in addition to any other information which the Secretary may require, shall include the following:

(a) Identification of the product or products involved;

(b) The number of such product units which have left the place of manufacture;

(c) The intended usage for the product;

(d) A description of the defect in the product or the manner in which the product fails to comply with an applicable Federal standard;

(e) An evaluation of the hazards reasonably related to the defect or the failure to comply with the standard;

(f) A statement of the measures to be taken to repair such defect or to bring the product into compliance with the standard;

(g) The date and circumstances under which the defect was discovered; and

(h) The identification of any trade secret information which the manufacturer desires kept confidential.

§ 78.504 Notification by the manufacturer to affected persons.

(a) The notification to the persons specified in § 78.502(b) shall be in writing and, in addition to any other information which the Secretary may require, shall include:

(1) The information prescribed by § 78.503 (a), (d), and instructions with respect to the use of the product pending the correction of the defect;

(2) A clear evaluation in nontechnical terms of the hazards reasonably related to any defect or failure to comply; and

(3) The following statement:

This is to advise that (insert name), manufacturer of the electronic product described herein, is required, in accordance with the regulations prescribed in Title 42 Code of Federal Regulations, §§ 78.509–78.513, to do one of the following: (1) Without charge, course of action shall be in accordance with such standard or remedy such defect and provide reimbursement for any expenses for transportation of such product incurred in connection with having such product brought into conformity or having such defect remedied, (2) replace such product with a like or equivalent product which complies with each applicable standard prescribed under this part and which has no defect relating to the safety of its use, or (3) make a refund of the cost of such product. The course of atcion shall be in accordance with a plan approved by the Secretary of Health, Education, and Welfare and the details of the plan will be included in one or more subsequent communications to you.

(b) The envelope containing the notice shall not contain advertising or other extraneous material, and such mailings will be made in accordance with this section.

(1) No. 10 white envelopes shall be used, and the name and address of the manufacturer shall appear in the upper left corner of the envelope.

(2) The following statement is to appear in the far left third of the envelope in the type and size indicated and in reverse printing, centered in a red rectangle 3¾ inches wide and 2¼ inches high:

IMPORTANT
ELECTRONIC PRODUCT
RADIATION WARNING

The statement shall be in three lines, all capitals, and centered. "Important" shall be in 36-point Gothic Bold type. "Electronic Product" and "Radiation Warning" shall be in 36-point Gothic Condensed type.

(3) Envelopes with markings similar to those prescribed in this section shall

not be used by manufacturers for mailings other than those required by this subpart.

(c) The notification shall be sent—

(1) By certified mail to first purchasers of the product for purposes other than resale and to subsequent transferees; and

(2) By certified mail or other more expeditious means to dealers and distributors.

§ 78.505 Copies of communications sent to first purchasers, dealers or distributors.

(a) Every manufacturer of electronic products shall furnish to the Secretary a copy of all notices, bulletins, or other communications sent to the dealer or distributor of such manufacturer or to purchasers (or subsequent transferees) of electronic products of such manufacturer regarding any defect in such product or any failure of such product to comply with an applicable standard.

(b) In the event the Secretary deems the content of such notices to be insufficient to protect the public health and safety, the Secretary may require additional notice to such recipients, or may elect to make or cause to be made such notification by whatever means he deems appropriate.

§ 78.506 Application for exemption from notification requirements.

(a) A manufacturer may at the time of giving the notice required by § 78.502 or within 15 days of the receipt of any notice from the Secretary pursuant to § 78.508(a), apply for an exemption from the requirement of notice to the persons specified in § 78.502(b).

(b) The application for exemption shall contain the information required by § 78.503 and in addition shall set forth in detail the grounds upon which the exemption is sought.

§ 78.507 Granting the exemption.

(a) If in the judgment of the Secretary, the application filed pursuant to § 78.506 states reasonable grounds for an exemption from the requirement of notice, the Secretary shall give the manufacturer written notice specifying a reasonable period of time during which he may present his views and evidence in support of the application.

(b) Such views and evidence shall be confined to matters relevant to whether the defect in the product or its failure to comply with an applicable Federal standard may create a significant risk of injury, including genetic injury, to any person and shall be presented in writing unless the Secretary determines that an oral presentation is desirable.

(c) If, during the period of time afforded the manufacturer to present his views and evidence, the manufacturer proves to the Secretary's satisfaction that the defect or failure to comply does not create a significant risk of injury, including genetic injury, to any person, the Secretary shall issue an exemption from the requirement of notification to the manufacturer and shall notify the manufacturer in writing specifying:

(1) The electronic product or products for which the exemption has been issued; and

(2) Such conditions as the Secretary deems necessary to protect the public health and safety with respect to electronic product radiation from such product.

§ 78.508 Determination by Secretary that product has defect.

(a) If the Secretary, through testing, inspection, research, or examination of reports or other data, determines that any electronic product does not comply with an applicable Federal standard or has a defect, he shall immediately notify the manufacturer of the product in writing specifying:

(1) The defect in the product or standard with which the product fails to comply;

(2) The Secretary's findings, with references to the tests, inspections, studies, or reports upon which such findings are based;

(3) A reasonable period of time during which the manufacturer may present his views and evidence to establish that there is no failure of compliance or that the alleged defect does not exist or does not create a risk of injury by reason of the emission of electronic product radiation.

(b) Every manufacturer who receives a notice under § 78.508(a) shall immediately advise the Secretary in writing of the number of such product units which have left the place of manufacture.

(c) If after the expiration of the period of time specified in the notice, the Secretary determines that the product has a defect or does not comply with an applicable Federal standard and the manufacturer has not applied for an exemption, he shall direct the manufacturer to furnish the notification to the persons specified in § 78.502(b) in the manner specified in § 78.504. The manufacturer shall within 7 days from the date of receipt of such directive furnish the required notification. If the defect or failure to comply with any applicable Federal standard involves a substantial health hazard as determined by the Secretary and the manufacturer does not know or cannot reasonably obtain the names of persons in possession of the electronic product, public notice of the defect or failure to comply and appropriate cautionary action that should be taken may be required.

§ 78.509 Manufacturer's obligation to repair, replace, or refund cost of electronic products.

(a) If any electronic product fails to comply with an applicable Federal standard or has a defect and the notification specified in § 78.502(b) is required to be furnished, the manufacturer of such product shall (1) without charge, bring such product into conformity with such standard or remedy such defect and provide reimbursement for any expenses for transportation of such product incurred in connection with having such product brought into conformity or having such defect remedied; (2) replace such product with a like or equivalent product which complies with each applicable Federal standard and which has no defect relating to the safety of its use; or (3) make a refund of the cost of such product to the purchaser.

(b) The manufacturer shall take the action required by this section in accordance with a plan approved by the Secretary pursuant to § 78.513.

§ 78.510 Plans for the repair of electronic products.

Every plan for bringing an electronic product into conformity with applicable Federal standards or for remedying any defect in such product shall be submitted to the Secretary in writing, and in addition to any other information which the Secretary may require, shall include:

(a) Identification of the product involved.

(b) The number of defective product units which have left the place of manufacture.

(c) The specific modifications, alterations, changes, repairs, corrections, or adjustments to be made to bring the product into conformity or remedy any defect.

(d) The manner in which the operations described in subparagraph (c) will be accomplished, including the procedure for obtaining access to or possession of the products and the location where such operations will be performed.

(e) The technical data, test results, or studies demonstrating the effectiveness of the proposed remedial action.

(f) A time limit, reasonable in light of the circumstances, for completion of the operations.

(g) The system by which the manufacturer will provide reimbursement for any transportation expenses incurred in connection with having such product brought into conformity or having any defect remedied.

(h) The text of the statement which the manufacturer will send to the persons specified in § 78.502(b) informing such persons (1) that the manufacturer, at its expense, will repair the electronic product involved, (2) of the method by which the manufacturer will obtain access to or possession of the product to make such repairs, (3) that the manufacturer will reimburse such persons for any transportation expenses incurred in connection with making such repairs, and (4) of the manner in which such reimbursement will be effected.

(i) An assurance that the manufacturer will provide the Secretary with progress reports on the effectiveness of the plan, including the number of electronic products repaired.

§ 78.511 Plans for the replacement of electronic products.

Every plan for replacing an electronic product with a like or equivalent product shall be submitted to the Secretary in writing, and in addition to any other information which the Secretary may require, shall include:

(a) Identification of the product to be replaced.

(b) A description of the replacement product in sufficient detail to support the

manufacturer's contention that the replacement product is like or equivalent to the product being replaced.

(c) The number of defective product units which have left the place of manufacture.

(d) The manner in which the replacement operation will be effected including the procedure for obtaining possession of the product to be replaced.

(e) A time limit, reasonable in light of the circumstances, for completion of the replacement.

(f) The steps which the manufacturer will take to insure that the defective product will not be reintroduced into commerce.

(g) The system by which the manufacturer will provide reimbursement for any expenses for transportation of such product incurred in connection with effecting the replacement.

(h) The text of the statement which the manufacturer will send to the persons specified in § 78.502(b) informing such persons (1) that the manufacturer, at its expense, will replace the electronic product involved, (2) of the method by which the manufacturer will obtain possession of the product and effect the replacement, (3) that the manufacturer will reimburse such persons for any transportation expenses incurred in connection with effecting such replacement, and (4) of the manner in which such reimbursement will be made.

(i) An assurance that the manufacturer will provide the Secretary with progress reports on the effectiveness of the plan, including the number of electronic products replaced.

§ 78.512 Plans for refunding the cost of electronic products.

Every plan for refunding the cost of an electronic product shall be submitted to the Secretary in writing, and in addition to any other information which the Secretary may require, shall include:

(a) Identification of the product involved.

(b) The number of defective product units which have left the place of manufacture.

(c) The manner in which the refund operation will be effected including the procedure for obtaining possession of the product for which the refund is to be made.

(d) The steps which the manufacturer will take to insure that the defective products will not be reintroduced into commerce.

(e) A time limit, reasonable in light of the circumstances, for obtaining the product and making the refund.

(f) In the case of a product which has a retail price of $50 or more and to which a Federal standard is applicable, a statement that the manufacturer will refund the actual cost of such product as shown by the records required to be kept by this part plus any transportation costs in connection with the manufacturer's obtaining possession of such product.

(g) In the case of a product which has a retail price of less than $50 or to which no Federal standard is applicable, a statement that the manufacturer will refund an amount equal to the suggested retail price for such product plus any transportation costs in connection with the manufacturer's obtaining possession of such product.

(h) The text of the statement which the manufacturer will send to the persons specified in § 78.502(b) informing such persons (1) that the manufacturer, at its expense, will refund the cost of the electronic product plus any transportation costs, (2) of the amount to be refunded exclusive of transportation costs, (3) of the method by which the manufacturer will obtain possession of the product and make the refund.

(i) An assurance that the manufacturer will provide the Secretary with progress reports on the effectiveness of the plan, including the number of refunds made.

§ 78.513 Approval of plans.

If, after review of any plan submitted pursuant to this part, the Secretary determines that the action to be taken by the manufacturer will expeditiously and effectively fulfill the manufacturer's obligation under § 78.509 in a manner designed to encourage the public to respond to the proposal, the Secretary will send written notice of his approval of such plan to the manufacturer. Such approval may be conditioned upon such additional terms as the Secretary deems necessary to protect the public health and safety.

§ 78.514 Effect of regulations on other laws.

The remedies provided for in this part shall be in addition to and not in substitution for any other remedies provided by law and shall not relieve any person from liability at common law or under statutory law.

Subpart C—Importation of Electronic Products

§ 78.601 Applicability.

The provisions of this subpart are applicable to electronic products which are subject to the standards prescribed in Subpart D and are offered for importation into the United States.

§ 78.602 Definitions.

As used in this subpart:

(a) The term "United States" means the customs territory of the United States as defined in 19 U.S.C. 1302 and the Virgin Islands, Guam, and American Samoa.

(b) The term "owner" or "consignee" means the person who has the rights of a consignee under the provisions of sections 453, 484, and 485 of the Tariff Act of 1930, as amended (19 U.S.C. 1483, 1484, 1485).

§ 78.603 Importation of noncomplying goods prohibited.

The importation of any electronic product which fails to comply with an applicable standard prescribed under section 358 of the Act or to which is not affixed a certification in the form of a label or tag in conformity with section 358(h) (42 U.S.C. 263f(h)) shall be refused admission into the United States, and shall be destroyed or exported, under regulations prescribed by the Secretary of the Treasury, unless a timely and adequate petition for permission to bring the product into compliance is filed and granted under §§ 78.607 and 78.608.

§ 78.604 Notice of sampling.

When a sample of a product offered for importation has been requested by the Secretary, the collector of customs having jurisdiction over the shipment from which the sample is procured shall give to its owner or consignee prompt notice of delivery of, or intention to deliver, such sample. If the notice so requires, the owner or consignee shall hold the shipment of which the sample is typical and not distribute such product comprising the shipment until notice of the results of the tests of the sample from the Secretary or the collector of customs.

§ 78.605 Payment for samples.

The Department of Health, Education, and Welfare will pay for all import samples of electronic products rendered unsalable as a result of testing, or will pay the reasonable costs of repackaging such samples for sale, if the samples are found to be in compliance with the requirements of the Radiation Control for Health and Safety Act of 1968. Billing for reimbursement shall be made by the owner or consignee to the Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, Md. 20852. Payment for samples will not be made if the sample is found to be in violation of the Act, even though subsequently brought into compliance pursuant to terms specified in a notice of permission issued under § 78.608.

§ 78.606 Hearing.

(a) If, from an examination of the sample or otherwise, it appears that the product may be subject to a refusal of admission, the Secretary shall give the owner or consignee a written notice to that effect, stating the reasons therefor. The notice shall specify a place and a period of time during which the owner or consignee shall have an opportunity to introduce testimony. Upon timely request, such time and place may be changed. Such testimony shall be confined to matters relevant to the admissibility of the article and may be introduced orally or in writing.

(b) If the owner or consignee submits or indicates his intention to submit an application for permission to perform such action as is necessary to bring the product into compliance with the Act, such testimony shall include evidence in support of the application.

(c) If the application is not submitted at or prior to the hearing, the Secretary may allow a reasonable time for filing such application.

§ 78.607 Application for permission to bring product into compliance.

Application for permission to perform such action as is necessary to bring the product into compliance with the Act may be filed only by the owner or consignee, and, in addition to any other information which the Secretary may reasonably require, shall:

(a) Contain detailed proposals for bringing the product into compliance with the Act;

(b) Specify the time and place where such operations will be effected and the approximate time for their completion; and

(c) Identify the bond required to be filed pursuant to § 78.609.

§ 78.608 Granting permission to bring product into compliance.

(a) When permission contemplated by § 78.607 is granted, the Secretary shall notify the applicant in writing, specifying:

(1) The procedure to be followed;

(2) The disposition of the rejected articles or portions thereof;

(3) That the operations are to be carried out under the supervision of a representative of the Department of Health, Education, and Welfare or the Bureau of Customs, as the case may be;

(4) A reasonable time limit for completing the operations; and

(5) Such other conditions as he finds necessary to maintain adequate supervision and control over the product.

(b) Upon receipt of a written request for an extension of time to complete the operations necessary to bring the product into compliance, the Secretary may grant such additional time as he deems necessary.

(c) The notice of permission may be amended upon a showing of reasonable grounds therefor and the filing of an amended application for permission with the Secretary.

(d) If ownership of a product included in a notice of permission changes before the operations specified in the notice have been completed, the original owner will remain responsible under its bond, unless the new owner has executed a new bond and obtained a new notice.

§ 78.609 Bonds.

(a) The bond required under section 360(b) of the Act may be executed by the owner or consignee on the appropriate form of a customs single-entry or term bond, containing a condition for the redelivery of the shipment or any part thereof upon demand of the collector of customs and containing a provision for the performance of conditions as may legally be imposed for the action necessary to bring the product into compliance with the Act in such manner as is prescribed for such bond in the customs regulations in force on the date of request for authorization. The bond shall be filed with the collector of customs.

(b) The collector of customs may cancel or mitigate the liability for liquidated damages incurred under the above-described provisions of the bond, if he receives an application for relief therefrom, or upon such other terms and conditions as shall be agreed upon as appropriate by the collector of customs and the Secretary.

§ 78.610 Costs of bringing product into compliance.

The costs of supervising the operations necessary to bring a product into compliance with the Act shall be paid by the owner or consignee who files an application pursuant to § 78.607 and executes a bond under section 360(b) of the Act. Such costs shall include:

(a) Travel expenses of the supervising officer;

(b) Per diem in lieu of subsistence of the supervising officer when away from his home station, as provided by law;

(c) Services of the supervising officer to be calculated at a flat rate of $12 per hour (which shall include administrative expense) except that such services performed by a customs officer and subject to the provisions of the Act of February 13, 1911, as amended (section 5, 365 Stat. 901, as amended, 19 U.S.C. 267) shall be calculated as provided by that Act.

(d) The minimum charge for services of supervising officers shall be not less than the charge for 1 hour and time after the first hour shall be computed in multiples of 1 hour, disregarding fractional parts less than one-half hour.

SERVICE OF PROCESS

§ 78.630 Service of process on manufacturers and importers.

(a) Every manufacturer of electronic products, prior to offering such product for importation into the United States, shall designate a permanent resident of the United States as the manufacturer's agent upon whom service of all processes, notices, orders, decisions, and requirements may be made for and on behalf of the manufacturer as provided in section 360(d) of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263h(d)) and this section. The agent may be an individual, a firm, or a domestic corporation. For purposes of this section, any number of manufacturers may designate the same agent.

(b) The designation shall be addressed to the Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, Md. 20852. It shall be in writing and dated; all signatures shall be in ink. The designation shall be made in the legal form required to make it valid and binding on the manufacturer under the laws, corporate bylaws, or other requirements governing the making of the designation by the manufacturer at the place and time where it is made, and the persons or person signing the designation shall certify that it is so made. The designation shall disclose the manufacturer's full legal name and the name(s) under which it conducts its business, if applicable, its principal place of business, and mailing address. If any of the products of the manufacturer do not bear his legal name, the designation shall identify the marks, trade names, or other designations of origin which these products bear. The designation shall provide that it will remain in effect until withdrawn or replaced by the manufacturer and shall bear a declaration of acceptance duly signed by the designated agent. The full legal name and mailing address of the agent shall be stated. Until rejected by the Secretary, designations are binding on the manufacturer even when not in compliance with all the requirements of this section. The designated agent may not assign performance of his function under the designation to another.

(c) Service of any process, notice, order, requirement or decision specified in section 360(d) of the Radiation Control for Health and Safety Act of 1968 may be made by registered or certified mail addressed to the agent with return receipt requested, or in any other manner authorized by law. In the absence of such a designation or if for any reason service on the designated agent cannot be effected, service may be made as provided in section 360(d) by posting such process, notice, order, requirement, or decision in the Office of the Director, Bureau of Radiological Health and publishing a notice that such service was made in the FEDERAL REGISTER.

CHRIS A. HANSEN,
Assistant Surgeon General, Commissioner, Environmental Control Administration.

MAY 23, 1969.

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