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

Subpart—United States Standards for Grades of Frozen Okra [1]

A proposal to revise the U.S. Standards for Grades of Frozen Okra was published in the FEDERAL REGISTER of November 22, 1968 (33 F.R. 17312). Interested persons were given 90 days to submit written data, views, or arguments for consideration in connection with the proposed revision.

Statement of consideration leading to the revised standards. The National Association of Frozen Food Packers—along with a number of the major packers of Frozen Okra—submitted similar comments in connection with the proposal of November 22, 1968. Certain changes are made as a result of those comments. Most important of these changes from the notice of proposed rule making are:

(1) Excluding "Whole Baby Okra" as a separate style and removal of the criteria by which Whole Okra may be so classified.

(2) Redefining "poorly trimmed" units as those with portions of inedible okra stem and/or cap material.

(3) Removing "loose seeds" from the category of "small pieces."

(4) Requiring that "pathological or insect injury" be obvious before classification as such.

(5) Redefining "tough fiber" as the tough fibrous development which materially affects the eating quality of the unit.

Other changes include some reorganization of text and modification of wording for purposes of clarification of meaning.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Frozen Okra are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

The revision is as follows:

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

PRODUCT DESCRIPTION, STYLES, GRADES

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, STYLES, GRADES

§ 52.1511 Product description.

Frozen okra is the product prepared from the clean, sound, succulent, and edible fresh pods of the okra plant (Hibiscus esculentus) of the green variety. The product is properly prepared and properly processed and is then frozen and stored at temperatures necessary for preservation.

§ 52.1512 Styles of frozen okra.

(a) "Whole okra" consists of trimmed whole pods of any length which may possess an edible portion of the cap. The length of a whole pod is determined by measuring from the outermost point of the tip end of the pod to the outermost point of the stem end of the pod, exclusive of any inedible stem portion which may be present.

(b) "Cut okra" is trimmed whole pods, which may possess an edible portion of cap, and which have been cut transversely into pieces of approximate uniform length. The length of a unit of cut okra is determined by measuring the longitudinal axis of the unit.

§ 52.1513 Grades of frozen okra.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen okra that:

(1) Possesses similar varietal characteristics in all styles;

(2) Has a good flavor and odor;

(3) Has a good color;

(4) Is practically free from defects;

(5) Has a good character; and

(6) Scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen okra that:

(1) Possesses similar varietal characteristics in the whole style;

(2) May or may not possess similar varietal characteristics in the cut style;

(3) Has a normal flavor and odor;

(4) Has a reasonably good color;

(5) Is reasonably free from defects;

(6) Has a reasonably good character; and

(7) Scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen okra that fails to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.1514 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of frozen okra is ascertained by considering the factors of varietal characteristics and flavor and odor which are not scored; the ratings for the factors of color, defects, and character, which are scored; the total score; and the limiting rules which apply.

(b) *Definitions.* (1) "Good flavor" means that the product, before and after cooking, has a good, distinctive flavor and odor, characteristic of young, tender okra and is free from any kind of objectionable flavor or objectionable odor.

(2) "Normal flavor" means that the product, before and after cooking, has a normal, typical flavor and odor, characteristic of properly prepared and processed okra and is free from any kind of objectionable flavor or objectionable odor.

(c) *Sample Units.* (1) A "sample unit" of "Whole" okra shall be comprised of 50 pods of okra.

(2) A "sample unit" of "Cut" okra shall be comprised of 10 ounces of okra.

(d) *Evaluating quality factors.* The rating for the factors of color, defects, and character (with respect to pod and seed development), and the evaluation of similar varietal characteristics are determined immediately after thawing to the extent that the product is sufficiently free from ice crystals to permit proper handling as individual units. A representative sample is properly cooked (in sufficient unsalted water) to ascertain the tenderness of the units and freedom from fiber development before final evaluation of character. Flavor and odor is evaluated on both the uncooked and cooked sample.

(e) *Application of percentages.* (1) The term "percent", or the symbol, "%", wherever used in this subpart, means: Percent, by count, in the "Whole" style of frozen okra and percent, by weight, in the "Cut" style of frozen okra.

(f) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

Factors	*Points*
Color	30
Defects	40
Character	30
Total score	100

§ 52.1515 Ascertaining the rating of the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example: 27 to 30 points means 27, 28, 29, or 30 points).

§ 52.1516 Color.

(a) (*A*) *Classification.* Frozen okra that possesses a good color may be given a score of 27 to 30 points. "Good color" means that the color of the frozen okra is bright, practically uniform, and typical of the varietal characteristic for young, tender okra. No more than 10 percent of the units in the sample unit may possess a slightly dull color, or possess a slight yellowish-green to brownish-green cast, or vary materially from the overall general, uniform color; and none of the units in the sample unit may possess a noticeable yellow or brown color or be "off color."

(b) (*B*) *Classification.* Frozen okra that possesses a reasonably good color may be given a score of 24 to 26 points. Frozen okra that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen okra possesses a color which may be slightly dull but which is typical of the varietal charactertistic for reasonably young and reasonably tender okra. No more than 20 percent of the units in the sample unit may possess a color that is typical of less than reasonably young and reasonably tender okra: *Provided,* That not more than 6 percent of the units in the sample unit may possess a noticeable yellow or brown color or vary markedly from the general, overall color; and none of the units may be "off color."

(c) (*SStd.*) *Classification.* Frozen okra that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1517 Defects.

(a) *Visual aids.* Color print photographs illustrative of certain types of defects defined in this subpart are available for review at specified USDA Processed Products Inspection offices. Information regarding the location of such offices is available upon request from:

Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) *General.* The factor of defects concerns the degree of freedom from units or any material as may be defined in paragraph (c) of this section or from any other defects present, whether or not specifically defined or listed therein, which would affect the appearance or edibility of the product.

(c) *Definitions of types of defects.* (1) "Insignificantly blemished unit" refers to very slight abnormalities, scars, discolorations, or any other imperfections on the individual unit which may affect the appearance slightly but which do not affect the edibility of the unit.

(2) "Blemished unit" means any unit which is so affected by discoloration or abnormalities, including trimmed or cut surfaces, as to materially affect the appearance of the unit.

(3) "Seriously blemished unit" means any unit which is so affected by discoloration or abnormalities, including trimmed or cut surfaces, as to seriously affect the appearance or edibility of the unit.

(4) "Harmless extraneous material" consists of leaves, attached inedible stems in excess of one-half inch, detached stems of any length, and similar harmless plant material.

(5) "Poorly trimmed" units in the "Whole" style of frozen okra include, but are not limited to:

(i) Apparent untrimmed pods;

(ii) Pods with attached inedible stems of one-half inch or less;

(iii) Pods possessing a conical-shaped or severely biased cut of the cap portion;

(iv) Trimmed pods with cut surface having very ragged edges;

(v) Pods with partially detached cap portions;

(vi) Pods with attached portions of cap that are inedible.

(6) "Poorly trimmed" units in the "Cut" style of frozen okra include, but are not limited to:

(i) Units with attached inedible stems of one-half inch or less;

(ii) Units with portions of cap that are inedible.

(7) "Excessively trimmed" are whole pods that:

(i) Have been so trimmed as to collapse the pod;

(ii) Have been so trimmed as to expose a longitudinal plane of the seed cavity;

(iii) Have been obviously trimmed on both ends.

(8) A "small piece" in "Whole" frozen okra means a piece of pod (exclusive of very small tip ends) which is one-fourth or less the weight of the smallest whole pod in the sample unit.

(9) "Small pieces" or "damaged pieces" in cut frozen okra means pieces of pods one-fourth inch in length or less, or units that may be broken, mashed, split, shattered, or improperly or incompletely cut so as to noticeably affect the appearance or edibility of the unit.

(10) "Damaged by mechanical injury" means whole pods or portions thereof that have been broken, mashed, split, or shattered to the extent that the appearance of the unit is noticeably affected.

(11) "Misshapen units" are whole pods which are seriously deformed.

(12) "Pathological or insect injury" refers to any unit that possesses obvious pathological or insect damage.

(13) "Sand, grit, or silt" means any particle of earthy material.

(d) (*A*) *Classification.* Frozen okra that is practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that:

(1) Any defects present, whether or not specifically defined or listed herein, do not materially detract from the appearance or edibility of the product; and

(2) The defects that may be present in the sample unit do not exceed the allowances specified in table I.

(e) (*B*) *Classification.* Frozen okra that is reasonably free from defects may be given a score of 32 to 35 points. Frozen okra that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) Any defects present, whether or not specifically defined or listed herein, do not seriously detract from the appearance or edibility of the product; and

(2) The defects that may be present in the sample unit do not exceed the allowances specified in table I.

(f) (*SStd.*) *Classification.* Frozen okra that fails to meet the requirements of paragraph (e) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—ALLOWANCES FOR DEFECTS IN FROZEN OKRA

	Whole style		Cut style	
	Grade A	Grade B	Grade A	Grade B
	Maximum—per 50 pods		*Maximum—per 10 ounces*	
Blemished units; and seriously blemished units.	3 units, but not more than 1 unit seriously blemished.	6 units, but not more than 2 units seriously blemished.	6 units but not more than 2 units seriously blemished.	12 units but not more than 4 units seriously blemished.
Insignificantly blemished units.	Do not more than slightly detract from the appearance.	Do not seriously detract from the appearance.	Do not more than slightly detract from the appearance.	Do not seriously detract from the appearance.
Harmless extraneous material	2 pieces	3 pieces	1 piece	2 pieces.
Poorly trimmed; excessively trimmed; small or damaged units; misshapen units; or any combination of these.	10 units	15 units	12 units	18 units.
Damaged by mechanical injury	5 units	10 units	Not applicable	Not applicable.
Pathological or insect injury	None	1 unit	1 unit	2 units.
Sand, grit, or silt	None	Trace	None	Trace.
Total: All defects above and any other defects or including above.	10 units, do not materially detract from the appearance.	15 units, do not seriously detract from the appearance.	12 units, do not materially detract from the appearance.	18 units, do not seriously detract from the appearance.

§ 52.1518 Character.

(a) *General.* The factor of character refers to the development of the pods and seeds and to the degree of freedom from tough fiber. "Tough fiber" in frozen okra means any cooked unit that contains tough fibrous development to the extent that the eating quality of the unit is materially affected.

(b) *(A) Classification.* Frozen okra that possesses a good character may be given a score of 27 to 30 points. "Good character" means that the units are fleshy and tender, that the seeds are in the early stages of maturity, and that not more than 2 whole pods or 4 cut units (as applicable) per sample unit possess tough fibers.

(c) *(B) Classification.* Frozen okra that possesses a reasonably good character may be given a score of 24 to 26 points. Frozen okra that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units may have lost their fleshy texture to a considerable extent, that the units are reasonably tender, that the seeds may have passed the early stages of maturity, and that not more than 4 whole pods or 8 cut units (as applicable) per sample unit possess tough fibers.

(d) *(SStd.) Classification.* Frozen okra that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT COMPLIANCE

§ 52.1519 Ascertaining the grade of a lot.

The grade of a lot of frozen okra covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Products Thereof, and Certain Other Processed Foods Products (§§ 52.1 to 52.37).

SCORE SHEET

§ 52.1520 Score sheet for frozen okra.

Size and kind of container .....
Container marks or identification .....
Label .....
Net Weight (ounces) .....
Style (whole; cut) .....
Variety .....

Factors		Score points	
Color	30	(A)	27-30
		(B)	[1] 24-26
		(SStd.)	[1] 0-23
Defects	40	(A)	36-40
		(B)	[1] 32-35
		(SStd.)	[1] 0-31
Character	30	(A)	27-30
		(B)	[1] 24-26
		(SStd.)	[1] 0-23
Total score	100		

Flavor and odor .....
Grade .....

[1] Indicates limiting rule.

Effective date and supersedure. The U.S. Standards for Grades of Frozen Okra (which is the third issue) contained in this subpart, shall become effective 60 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the U.S. Standards for Grades of Frozen Okra which have been in effect since March 16, 1959.

Dated: June 17, 1969.

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

[F.R. Doc. 69-7352; Filed, June 20, 1969; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.7, Amdt. 3]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1969 Allotment

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926), hereinafter called the "Act", for the purpose of amending Sugar Regulation 814.7, Amdt. 2 (34 F.R. 7015), which established allotments for the Mainland Cane Sugar Area for the calendar year 1969.

This amendment is necessary to substitute final data for estimated data on 1968 crop sugar production and January 1, 1969, sugar inventories on the basis of data which have become a part of the official records of the Department and to establish allotments of the entire Mainland Cane Sugar Area Quota on the basis of such final data.

In accordance with paragraphs (5), (6), and (8) of the findings and conclusions set forth in S.R. 814.7, Amdt. 1 (34 F.R. 6031), and pursuant to paragraph (e) of such regulation, paragraph (7) of such findings and conclusions is amended to read as follows:

(7) The quantity of sugar and the percentages referred to in finding (5) based on final data for 1968 crop processings and January 1, 1969, inventories for determining allotments are set forth in the following table:

Processor	Processings of sugar [1]		Average quota marketings within allotments 1966-68		Ability to market					Processor's basic allotment [4]		Processor's adjusted allotment [4]
					Effective inventory Jan. 1, 1969 [2]	New crop quota marketings		Measures used				
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average 1966-68	Shares of difference [3]	Col. (5) plus Col. (7)	Percent of total	Percent of total	Short tons, raw value	short tons, raw value
					Short tons, raw value							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albania Sugar Co.	10,489	0.853	10,076	0.871	4,859	7,956	2,213	7,072	0.605	0.807	9,436	9,129
Alma Plantation, Ltd.	11,562	.940	10,088	.872	5,978	8,142	2,264	8,242	.705	.879	10,278	9,944
J. Aron & Co., Inc.	17,334	1.409	13,480	1.165	8,381	12,054	3,352	11,733	1.003	1.279	14,955	14,468
Billeaud Sugar Factory	11,185	.909	9,534	.824	6,385	6,365	1,770	8,155	.697	.859	9,939	9,616
Breaux Bridge Sugar Co-op.	11,808	.960	9,267	.801	8,910	5,289	1,471	10,381	.888	.914	10,687	10,339
Wm. T. Burton Ind., Inc.	7,895	.642	7,026	.607	3,974	5,413	1,505	5,479	.469	.600	7,016	6,789
Calre & Graugnard	6,516	.530	5,814	.503	4,104	4,156	1,156	5,260	.450	.509	5,952	5,758
Cajun Sugar Co-op., Inc.	26,610	2.163	23,174	2.003	26,610	14	4	26,614	2.276	2.154	25,186	[5] 26,610
Caldwell Sugar Co-op., Inc.	17,530	1.425	13,381	1.157	10,770	10,544	2,933	13,703	1.172	1.321	15,446	14,943
Columbia Sugar Co.	10,128	.823	8,459	.731	6,328	5,736	1,595	7,923	.678	.776	9,074	8,779
Cora-Texas Manufacturing Co., Inc.	11,295	.918	8,168	.706	11,262	1,759	500	11,762	1.006	.893	10,442	[5] 11,262
Dugas & LeBlanc, Ltd.	20,378	1.657	15,534	1.343	13,776	10,821	3,019	16,786	1.436	1.550	18,124	17,534
Dube & Bourgeois Sugar Co.	11,490	.934	10,091	.872	5,817	8,256	2,296	8,113	.694	.874	10,220	9,888
Erath Sugar Co., Ltd.	6,662	.542	6,515	.563	2,575	5,234	1,456	4,031	.345	.507	5,928	5,735
Evan Hall Sugar Co-op., Inc.	29,768	2.420	23,115	1.998	18,243	17,725	4,930	23,173	1.982	2.248	28,285	25,430
Frisco Cane Co., Inc.	2,532	.206	2,602	.225	854	2,182	607	1,461	.125	.194	2,268	2,194
Glenwood Co-op., Inc.	21,924	1.783	16,249	1.405	13,734	12,539	3,487	17,221	1.473	1.645	19,235	18,609
Helvetia Sugar Co-op., Inc.	15,881	1.291	12,401	1.072	10,420	8,812	2,451	12,871	1.101	1.200	14,137	13,677
Iberia Sugar Co-op., Inc.	23,996	1.951	19,022	1.644	17,442	10,476	2,914	20,356	1.741	1.848	21,608	20,905
Lafourche Sugar Co.	21,518	1.750	18,316	1.583	12,533	13,546	3,767	16,300	1.394	1.645	19,235	18,609
Harry L. Laws & Co., Inc.	18,607	1.513	15,719	1.358	10,858	10,668	2,967	13,825	1.182	1.416	16,557	16,018
Levert-St. John, Inc.	16,035	1.304	13,101	1.133	7,310	11,479	3,193	10,503	.898	1.180	13,903	13,451
Little Texas, Inc.	5,881	.478	5,160	.446	4,621	2,619	728	5,349	.457	.467	5,461	5,283
Louisa Sugar Co-op., Inc.	13,124	1.067	11,485	.993	7,955	7,723	2,148	10,103	.864	1.012	11,833	11,448
Louisiana State Penitentiary	3,837	.311	4,124	.357	3,360	962	268	3,628	.310	.320	3,742	3,620
Meeker Sugar Co-op., Inc.	12,497	1.016	11,756	1.016	12,945	1,298	361	13,306	1.138	1.040	12,161	[5] 12,437
Milliken & Farwell, Inc.	13,358	1.086	10,535	.911	8,876	7,261	2,019	10,895	.932	1.020	11,927	11,539
M. A. Patout & Son, Ltd.	18,285	1.487	15,782	1.364	9,954	11,940	3,321	13,272	1.135	1.392	16,276	15,746
Poplar Grove Planting & Refining Co.	11,202	.911	8,871	.767	7,774	5,539	1,546	9,320	.797	.859	10,044	9,717
Savoie Industries	21,095	1.715	15,448	1.335	14,478	10,821	3,010	17,488	1.496	1.595	18,650	18,043
St. James Sugar Co-op., Inc.	25,647	2.085	19,927	1.723	24,834	5,415	1,506	26,340	2.253	2.046	23,924	[5] 24,834
St. Mary Sugar Co-op., Inc.	17,770	1.445	14,861	1.285	10,272	11,164	3,105	13,377	1.144	1.353	15,820	15,305
South Coast Corp.	73,338	5.963	63,855	5.520	72,678	11,283	3,138	75,816	6.484	5.978	69,900	[5] 72,678
Southdown, Inc.	42,915	3.489	37,092	3.207	28,365	22,370	6,222	34,587	2.958	3.326	38,890	37,625
Sterling Sugars, Inc.	32,502	2.650	26,485	2.290	19,075	19,639	5,462	24,537	2.098	2.467	28,846	27,907
J. Supple's Sons Planting Co., Ltd.	6,330	.515	5,719	.494	4,319	3,375	939	5,258	.450	.498	5,823	5,634
Valentine Sugars, Inc.	14,321	1.164	10,677	.923	8,150	8,554	2,379	10,529	.900	1.063	12,429	12,025
Vida Sugars, Inc.	5,403	.439	5,436	.470	1,866	4,464	1,242	3,108	.266	.411	4,806	4,650
A. Wilbert's Sons Lumber & Shingle Co.	10,681	.868	10,563	.913	5,862	7,369	2,049	7,911	.676	.839	9,816	9,491
Young's Industries, Inc.	7,203	.586	6,977	.603	3,864	4,333	1,205	5,069	.433	.559	6,536	6,323
Louisiana subtotal	666,612	54.198	555,876	48.053	460,368	325,355	90,489	550,857	47.111	51.552	602,789	593,992
Atlantic Sugar Association, Inc.	30,739	2.499	35,352	3.056	29,546	0	0	29,546	2.527	2.616	30,588	29,593
Florida Sugar Corp.	20,449	1.663	18,031	1.559	23,084	1,637	455	23,539	2.013	1.712	20,018	[7] 21,499
Glades County Sugar Growers Co-op. Association	38,321	3.116	43,701	3.778	43,117	0	0	43,117	3.688	3.363	39,323	[7] 40,155
Osceola Farms Co.	48,719	3.961	50,609	4.375	55,538	0	0	55,538	4.750	4.202	49,133	[7] 51,723
South Puerto Rico Sugar Co., Inc.	72,239	5.873	77,099	6.665	75,316	2,597	714	76,030	6.502	6.157	71,993	71,993
Sugarcane Growers Co-op. of Florida	99,423	8.083	110,397	9.543	110,966	0	0	110,966	9.490	8.656	101,213	[7] 103,344
Talisman Sugar Corp.	40,419	3.285	44,255	3.826	42,250	0	0	42,250	3.613	3.459	40,446	40,446
United States Sugar Corp.	213,050	17.322	221,474	19.145	232,508	17,734	4,932	237,440	20.306	18.283	213,780	[7] 216,538
Florida subtotal	563,350	45.802	600,918	51.947	612,325	21,938	6,101	618,426	52.889	48.448	566,404	575,291
Total all mainland cane	1,229,962	100.000	1,156,794	100.000	1,072,693	347,293	96,590	1,169,283	100.000	100.000	1,169,283	1,169,283

[1] The higher of either the production of sugar from the 1968 crop sugarcane or 82 percent of the average production from the 1966 and 1967 crops of sugarcane.

[2] Effective inventory, Jan. 1, 1969, is the physical inventory Jan. 1, 1969, plus processings from 1968 crop cane in 1969.

[3] The difference between 1,169,283 tons (quota for 1969 established by S.R. 811, less 50 tons reserve for Louisiana State University) and the total Jan. 1, 1969, effective inventories prorated on the basis of the 1966-68 average new-crop marketings shown in Column 6.

[4] Column (10) was determined by weighting "processings" Col. (2) by 60 percent, "marketings" Col. (4) by 20 percent, and "ability" Col. (9) by 20 percent. Column (11) was determined by multiplying the quota, less 50 tons reserved for Louisiana State University, by Column (10).

[5] Basic allotments (Col. 11) which were less than the respective processors' Jan. 1, 1969, effective inventories were subject to upward adjustments by a total not to exceed 16,000 short tons, raw value, and the basic allotments of processors having Jan. 1, 1969, effective inventories less than their basic allotments were reduced proportionately as necessary to make total adjusted allotments equal to the area quota less 50 tons reserve for Louisiana State University, except, that no processor's basic allotment was reduced to a level less than the respective processor's Jan. 1, 1969, effective inventory. The basic allotments of those processors having Jan. 1, 1969, effective inventories larger than their basic allotments were subject to upward adjustments (not to exceed 16,000 tons) in the following manner: (1) The basic allotment of processors having physical inventories in excess of such allotments were increased to the level of the physical inventories, (2) the remainder of the 16,000 tons was added to the basic allotments of the other processors in such a manner that will not permit any processor to market a larger percentage of its Jan. 1, 1969, effective inventory by the use of this adjustment than other affected processors.

[6] Adjusted allotment established to equal Jan. 1, 1969, physical inventory.

[7] Adjusted allotment established to permit each processor affected to market 93.1313 percent of its Jan. 1, 1969, effective inventory.

Pursuant to provisions of section 205 (a) of the Act and in accordance with paragraph (e) of § 814.7 of this chapter, paragraph (a) of such § 814.7 is amended to read as follows:

§ 814.7 Allotment of the 1969 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* The 1969 sugar quota for the Mainland Cane Sugar Area of 1,169,333 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (Short tons, raw value)
Albania Sugar Co.	9,129
Alma Plantation, Ltd.	9,944
J. Aron & Co., Inc.	14,468
Billeaud Sugar Factory	9,616
Breaux Bridge Sugar Co-op.	10,339
Wm. T. Burton Industries, Inc.	6,789
Caire & Graugnard	5,758
Cajun Sugar Co-op., Inc.	26,610
Caldwell Sugars Co-op., Inc.	14,943
Columbia Sugar Co.	8,779
Cora-Texas Manufacturing Co., Inc.	11,262
Dugas & LeBlanc, Ltd.	17,534
Duhe & Bourgeois Sugar Co.	9,688
Erath Sugar Co., Ltd.	5,735
Evan Hall Sugar Co-op., Inc.	25,430
Frisco Cane Co., Inc.	2,194
Glenwood Co-op., Inc.	18,609
Helvetia Sugar Co-op., Inc.	13,677
Iberia Sugar Co-op., Inc.	20,905
Lafourche Sugar Co.	18,609
Harry L. Laws & Co., Inc.	16,018
Levert-St. John, Inc.	13,451
Little Texas, Inc.	5,263
Louisa Sugar Co-op., Inc.	11,448
Louisiana State Penitentiary	3,620
Louisiana State University	50
Meeker Sugar Co-op., Inc.	12,437
Milliken & Farwell, Inc.	11,539
M. A. Patout & Son, Ltd.	15,746
Popular Grove Planting & Refining Co.	9,717
Savoie Industries	18,043
St. James Sugar Co-op., Inc.	24,834
St. Mary Sugar Co-op., Inc.	15,305
South Coast Corp.	72,678
Southdown, Inc.	37,625
Sterling Sugars, Inc.	27,907
J. Supple's Sons Planting Co., Ltd.	5,634
Valentine Sugars, Inc.	12,025
Vida Sugars, Inc.	4,650
A. Wilbert's Sons Lumber & Shingle Co.	9,491
Young's Industries, Inc.	6,323
Louisiana subtotal	594,042
Atlantic Sugar Association	29,593
Florida Sugar Corp.	21,499
Glades County Sugar Growers Co-op., Association	40,155
Osceola Farms Co.	51,723
South Puerto Rico Sugar Co., Inc.	71,993
Sugarcane Growers Co-op. of Florida	103,344
Talisman Sugar Corp.	40,446
United States Sugar Corp.	216,538
Florida subtotal	575,291
Total, all mainland cane	1,169,333

* * * * *

(Secs. 205, 209, 403, 61 Stat. 926 as amended, 928 as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. Allotments established in this order for all processors are larger than the allotments established in S.R. 814.7, Amdt. 2 (34 F.R. 7015). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on June 17, 1969.

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

[F.R. Doc. 69-7280; Filed, June 17, 1969; 3:01 p.m.]

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

[Lemon Reg. 379]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.679 Lemon Regulation 379.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 17, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period June 22, 1969, through June 28, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: June 19, 1969.

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

[F.R. Doc. 69-7397; Filed, June 20, 1969; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

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

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Wheat Loan and Purchase Program

Correction

In F.R. Doc. 69-6518 appearing at page 8897 in the issue of Wednesday, June 4, 1969, the following corrections should be made in § 1421.2119(b) under the center heading "Indiana":

1. Insert the following alphabetically:

County	Rate per bushel
Decatur	1.23
De Kalb	1.19

2. Delete the county "Lawrence" where it appears following "Kosciusko" and insert "Lagrange" in lieu thereof.

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

Elimination of Publication of Texts of Certain Licenses

The Atomic Energy Commission's rules of practice, 10 CFR Part 2, provide for publication in the FEDERAL REGISTER of notice of proposed issuance and of issuance of licenses and amendments for production and utilization facilities (other than construction permits for power and test reactors) and for waste disposal activities (§§ 2.105 and 2.106). By the terms of §§ 2.105 and 2.106, the notices must now set forth, among other things including the nature of the licensing action, the text of the proposed license or amendment and the text of the license or amendment as issued (if the text was not previously published with the notice of proposed issuance).

The Commission has adopted amendments to Part 2 which eliminate the requirement for publication of the text of proposed or issued licenses or amendments subject to §§ 2.105 and 2.106. Since the text of each type of license published by the Commission has become essentially the same, no useful purpose is now served by publication of the text of each license. Accordingly, the Commission has decided to dispense with such publication as a further step in simplifying its licensing procedures. The FEDERAL REGISTER notice of proposed issuance or issuance will continue to state the nature of the licensing action and each license or amendment itself will continue to be available for public inspection in the Commission's Public Document Room.

Because these amendments relate to minor and nonsubstantive matters, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as necessary.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of 10 CFR Part 2 are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

1. Paragraph (b) of § 2.105 is amended by adding the word "and" to the end of subparagraph (2), substituting a period for the semicolon in subparagraph (3), deleting the word "and" at the end of subparagraph (3), and deleting subparagraph (4).

2. Paragraph (b) of § 2.106 is amended by adding the word "and" to the end of subparagraph (2), substituting a period for the semicolon in subparagraph (3), and deleting subparagraph (4).

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

Dated at Germantown, Md., this 9th day of June 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-7354; Filed, June 20, 1969; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Advertising of Interest on Deposits

1. Effective August 1, 1969, Part 217 (Regulation Q) is amended in the following respects:

a. The heading of the part is amended to read as set forth above.

§ 217.7 [Redesignated]

b. The last two sentences of § 217.6 are revoked and the remainder of that section redesignated as § 217.7.

c. The heading of § 217.3 and paragraphs (a) and (e) thereof are amended to read as follows:

§ 217.3 Interest on time and savings deposits.

(a) *Maximum rate.* Except as provided in this section, no member bank shall, directly or indirectly, by any device whatsoever, pay interest on any time or savings deposit at a rate in excess of such applicable maximum rate as the Board of Governors of the Federal Reserve System shall prescribe from time to time in § 217.7. In ascertaining the rate of interest paid, the effects of compounding of interest may be disregarded.

* * * * *

(e) *Technical grace periods in computing interest on certain time deposits.* Where a time deposit matures in 30 days, 90 days, 180 days, 360 days, or even multiples of these periods, or where a time deposit matures in 1 month, 3 months, 6 months, 12 months, or even multiples of these periods, member banks may pay interest for such periods at one-twelfth of the maximum rate, one-quarter of the maximum rate, one-half of the maximum rate, or at the maximum rate, or even multiples thereof, respectively. In the case of any other time deposit, no member bank shall pay interest at the maximum rate based on more days than the number of days the funds are actually on deposit.

* * * * *

d. In § 217.3(g) the reference to "§ 217.6" is amended to refer to "§ 217.7".

e. A new § 217.6 is added to read as follows:

§ 217.6 Advertising of interest on deposits.

Every advertisement, announcement, or solicitation relating to the interest paid on deposits in member banks shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest rates shall be stated in terms of the annual rate of simple interest. In no case shall a rate be advertised that is in excess of the applicable maximum rate for the particular deposit.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding. No member bank shall advertise a percentage yield based on the effect of grace periods permitted in § 217.3.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year.

(d) *Time or amount requirements.* If an advertised rate is payable only on deposits that meet time or amount requirements, such requirements shall be clearly and conspicuously stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate to apply shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the deposit is withdrawn at an earlier maturity.

(e) *Profit.* The term "profit" shall not be used in referring to interest paid on deposits.

(f) *Accuracy of advertising.* No member bank shall make any advertisement, announcement, or solicitation relating to the interest paid on deposits that is inaccurate or misleading or that misrepresents its deposit contracts.

(g) *Solicitation of deposits for banks.* Any person or organization that solicits deposits for a member bank shall be bound by the rules contained in this section with respect to any advertisement, announcement, or solicitation relating to such deposits. No such person or organization shall advertise a percentage yield on any deposit it solicits for a member bank that is not authorized to be paid and advertised by such bank.

§§ 217.104, 217.145 [Revoked]

f. Sections 217.104 and 217.145 are revoked.

2 a. The amendments implement the authority granted to the Board by Congress in the Act of September 21, 1968 (Public Law 90-505). Similar rules are being adopted by the Federal Deposit Insurance Corporation and by the Federal Home Loan Bank Board with respect to institutions under their jurisdictions.

b. Under the amendments, a State member or national bank is prohibited

from advertising an average annual percentage yield on deposits. This rule, which differs from a rule proposed in the FEDERAL REGISTER of April 5, 1969 (34 F.R. 6200), was adopted by the Board after consideration of all relevant material relating to the proposed rule, including communications received from interested persons.

c. The amendments are expressly applicable to persons or organizations who solicit deposits for member banks in their advertisements relating to such deposits. The effect of this is to prevent brokers from advertising percentage yields on deposits solicited for member banks that are in excess of yields member banks themselves are permitted to advertise.

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

Dated at Washington, D.C., the 16th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7305; Filed, June 20, 1969; 8:45 a.m.]

[Reg. U]

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Miscellaneous Provisions

Correction

In F.R. Doc. 69-6864, appearing in the issue at page 9203, of the issue for Wednesday, June 11, 1969, § 221.3(a) should read as follows:

(a) *Required statement as to stock-secured credit.* In connection with an extension of credit secured directly or indirectly by any stock, the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U-1 executed by the recipient of such extension of credit (sometimes referred to as the "customer") and executed and accepted in good faith by a duly authorized officer of the bank prior to such extension: *Provided*, That this requirement shall not apply to any credit described in paragraph (o) or (w) of this section or § 221.2 except for credit described in § 221.2 (f), (g), and (h) extended to persons who are not brokers or dealers subject to Part 220 of this chapter (Regulation T). In determining whether or not an extension of credit is for the purpose specified in § 221.1 or for any of the purposes specified in § 221.2 the bank may rely on the statement executed by the customer if accepted in good faith. To accept the customer's statement in good faith, the officer must (1) be alert to the circumstances surrounding the credit and (2) if he has any information which would cause a prudent man not to accept the statement without inquiry, have investigated and be satisfied that the customer's statement is truthful.

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Advertising of Interest on Deposits

On April 5, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6198) stating that the Board of Directors of the Federal Deposit Insurance Corporation was considering an amendment to Part 329 of Title 12 of the Code of Federal Regulations. The amendment as proposed would add a new § 329.8, entitled "Advertising of interest on deposits", and would make certain technical changes to existing provisions in Part 329. Interested persons were afforded an opportunity to participate in the rule making process through the submission of relevant data, views, or arguments. After consideration of all such relevant matter as was submitted by interested persons, the Board of Directors concluded that advertisements of yields based on periods in excess of a year should be prohibited. Accordingly, appropriate changes in wording are made to § 329.8(c). The Board of Directors also concluded that certain changes in wording should be made to the proposed § 329.8 (d), (f) and (g). In addition the Board concluded that the words "or misleading" should be added to § 329.8(f). As so revised, the proposed amendment was adopted by the Board of Directors on June 13, 1969, with an effective date of August 1, 1969. Accordingly, effective August 1, 1969, Part 329 of Title 12 of the Code of Federal Regulations is amended in the manner set forth below:

1. The heading of the part is amended to read as set forth above.

2. In the table of sections, § 329.3 entitled "Maximum rate of interest on time and savings deposits" is amended to read "Interest on time and savings deposits"; a new § 329.8 entitled "Advertising of interest on deposits" is added; and § 329.101 entitled "Payment of interest on basis that 360 days equals one year" is deleted.

§ 329.0 [Amended]

3. In § 329.0, "§§ 329.7 and 329.8" is substituted for "§ 329.7".

4. In § 329.3 the heading, paragraph (a) and paragraph (e) are amended to read as follows:

§ 329.3 Interest on time and savings deposits.

(a) *Maximum rate.* Except as provided in this section, no insured nonmember bank shall, directly or indirectly, by any device whatsoever, pay interest on any time deposit or savings deposit at a rate in excess of such applicable maximum rate as the Board of Directors of the Federal Deposit Insurance Corporation shall prescribe from time to time in § 329.6 of this part. In determining the maximum amount of interest permitted to be paid, the effects of compounding may be disregarded.

* * * * *

(e) *Technical grace periods in computing interest on certain time deposits.* Where a time deposit matures in 30 days, 90 days, 180 days, 360 days, or even multiples of these periods, or where a time deposit matures in 1 month, 3 months, 6 months, 12 months, or even multiples of these periods, insured nonmember banks may pay interest for such periods at one twelfth of the maximum rate, one quarter of the maximum rate, one half of the maximum rate, or at the maximum rate, or even multiples thereof, respectively. In the case of any other time deposit no insured nonmember bank shall pay interest at the maximum rate based on more days than the number of days the funds are actually on deposit.

* * * * *

§ 329.6 [Amended]

5. The last two sentences in § 329.6 are revoked.

§ 329.7 [Amended]

6. The last sentence of § 329.7(c) is revoked, and the first sentence is amended to read: "In determining the maximum amount of interest or dividends permitted to be paid, the effects of compounding may be disregarded."

7. A new § 329.8 is added, as follows:

§ 329.8 Advertising of interest on deposits.

Every advertisement, announcement, or solicitation relating to the interest or dividends paid on deposits in insured nonmember banks (including insured nonmember mutual savings banks) shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest or dividend rates shall be stated in terms of annual rates of simple interest or dividends. In no case shall a rate be advertised which is in excess of the applicable maximum rate for the particular deposit.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding. No insured nonmember bank shall advertise a percentage yield based on the effect of grace periods permitted such banks in this part.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year.

(d) *Time or amount requirements.* If an advertised rate is payable only on deposits that meet time or amount requirements, such requirements shall be clearly and conspicuously stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the deposit is withdrawn at an earlier maturity.

(e) *Profit.* The term "profit" shall not be used in referring to interest or dividends paid on deposits.

(f) *Accuracy of advertising.* No insured nonmember bank shall make any advertisement, announcement or solicitation relating to the interest or dividends paid on deposits which is inaccurate or misleading or which misrepresents its deposit contracts.

(g) *Solicitation of deposits for banks.* Any person or organization which solicits deposits for an insured nonmember bank shall be bound by the rules contained in this section with respect to any advertisement, announcement or solicitation relating to such deposits. No such person or organization shall advertise a percentage yield on any deposit it solicits for an insured nonmember bank which is not authorized to be paid and advertised by such bank.

§ 329.101 [Revoked]

8. Section 329.101 is revoked.

The purpose of the new § 329.8 is to prohibit misleading advertising of interest or dividends paid on deposits in insured nonmember banks. These rules are authorized by section 18(g) of the Federal Deposit Insurance Act, as amended, 82 Stat. 856 (1968), 12 U.S.C. sec. 1828(g), and are intended to replace advertising guidelines set forth in the Corporation's letter of December 16, 1966, to insured nonmember banks. The new rules incorporate the guideline requirements that interest rates be in terms of annual rates of simple interest; that the annual rate of simple interest be stated with equal prominence where a percentage yield achieved by compounding interest during 1 year is advertised; and that time and amount requirements for an advertised rate be stated. In addition the rules prohibit advertisement of yields based on periods in excess of a year (such as average annual yields achieved by compounding). The regulations are made expressly applicable to persons or organizations who solicit deposits for insured nonmember banks in advertisements relating to such deposits. This requirement would prevent brokers from advertising a percentage yield on deposits solicited for insured nonmember banks which is in excess of the percentage yield which such banks themselves are permitted to advertise.

The amendments also effectuate various technical changes necessitated by the advertising regulation, or designed to clarify and simplify existing provisions in the interest regulations.

Dated at Washington, D.C., this 13th day of June 1969.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-7302; Filed, June 20, 1969; 8:45 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 22,944]

PART 526—LIMITATIONS ON RATE OF RETURN

Advertising Rates of Return

JUNE 16, 1969.

Resolved that, notice and public procedure having been duly afforded (34 F.R. 6199) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, hereby amends Part 526 of the regulations for the Federal Home Loan Bank System (12 CFR Part 526) to implement an amendment to section 5B of the Federal Home Loan Bank Act, contained in Public Law 90-505, 82 Stat. 856, approved September 21, 1968, giving the Board the authority to prescribe rules governing the advertisement of interest or dividends on savings accounts, by adding a new § 526.6, immediately after § 526.5, to read as follows, effective August 1, 1969:

§ 526.6 Advertising of interest or dividends on savings accounts.

Every advertisement, announcement, or solicitation relating to the interest or dividends paid on savings accounts in member institutions shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest or dividend rates shall be stated in terms of annual rates of simple interest or dividends. In no case shall a rate be advertised that is in excess of the applicable maximum rate for the particular savings account.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest or dividends during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding. No member institution shall advertise a percentage yield based on the effect of grace periods permitted such institutions.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year.

(d) *Time or amount requirements.* If an advertised rate is payable only on savings accounts that meet time or amount requirements, such requirements shall be clearly and conspicuously stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the savings account is withdrawn at an earlier maturity.

(e) *Profit.* The term "profit" shall not be used in referring to interest or dividends paid on savings accounts.

(f) *Accuracy of advertising.* No member institution shall make any advertisement, announcement, or solicitation, relating to the interest or dividends paid on savings accounts which is inaccurate or misleading or which misrepresents its savings account contracts.

(g) *Solicitation of savings accounts for member institution.* Any person or organization which solicits savings accounts for a member institution shall be bound by the rules contained in this section with respect to any advertisement, announcement, or solicitation relating to such savings accounts. No such person or organization shall advertise a percentage yield on any savings account it solicits for a member institution which is not authorized to be paid and advertised by such institution.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. 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. 69-7303; Filed, June 20, 1969; 8:45 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 22,945]

PART 569—LIMITATIONS ON RATE OF RETURN

Advertising Rates of Return

JUNE 16, 1969.

Resolved that, notice and public procedure having been duly afforded (34 F.R. 6200) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, hereby amends Part 569 of the regulations for the Insurance of Accounts (12 CFR Part 569) to implement an amendment to section 5B of the Federal Home Loan Bank Act, contained in Public Law 90-505, 82 Stat. 856, approved September 21, 1968, giving the Board the authority to prescribe rules governing the advertisement of interest or dividends on savings accounts, by adding a new § 569.6, immediately after § 569.5, to read as follows, effective August 1, 1969:

§ 569.6 Advertising of interest or dividends on savings accounts.

Every advertisement, announcement, or solicitation relating to the interest or dividends paid on savings accounts in insured institutions shall be governed by the following rules:

(a) *Annual rate of simple interest.* Interest or dividend rates shall be stated in terms of annual rates of simple interest or dividends. In no case shall a rate be advertised that is in excess of the applicable maximum rate for the particular savings account.

(b) *Percentage yields based on 1 year.* Where a percentage yield achieved by compounding interest or dividends during 1 year is advertised, the annual rate of simple interest shall be stated with equal prominence, together with a reference to the basis of compounding. No insured institution shall advertise a percentage yield based on the effect of grace periods permitted such institutions.

(c) *Percentage yields based on periods in excess of 1 year.* No advertisement shall include any indication of a total percentage yield, compounded or simple, based on a period in excess of a year, or an average annual percentage yield achieved by compounding during a period in excess of a year.

(d) *Time or amount requirements.* If an advertised rate is payable only on savings accounts that meet time or amount requirements, such requirements shall be clearly and conspicuously stated. Where the time requirement for an advertised rate is in excess of a year, the required number of years for the rate shall be stated with equal prominence, together with an indication of any lower rate or rates that will apply if the savings account is withdrawn at an earlier maturity.

(e) *Profit.* The term "profit" shall not be used in referring to interest or dividends paid on savings accounts.

(f) *Accuracy of advertising.* No insured institution shall make any advertisement, announcement, or solicitation, relating to the interest or dividends paid on savings accounts which is inaccurate or misleading or which misrepresents its savings account contracts.

(g) *Solicitation of savings accounts for an insured institution.* Any person or organization which solicits savings accounts for an insured institution shall be bound by the rules contained in this section with respect to any advertisement, announcement, or solicitation relating to such savings accounts. No such person or organization shall advertise a percentage yield on any savings account it solicits for an insured institution which is not authorized to be paid and advertised by such institution.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1425b, 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. 69-7304; Filed, June 20, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-SO-37; Amdt. 39-784]

PART 39—AIRWORTHINESS DIRECTIVES

Eisemann Magnetos Type AM-4, AM-6, LA-4, LA-6

Amendment 39-759 (34 F.R. 7006), AD 69-9-1 requires replacement of improperly manufactured coils in Eisemann magnetos used on certain Continental and Franklin engines. After issuing Amendment 39-759 the Administration determined that there is a shortage of replacement coils and that field personnel were having difficulty determining which coils should be replaced when there were no identification markings or inspection stamps on the coils being inspected. Therefore, the airworthiness directive is being amended to provide additional information concerning coil identification and to extend the compliance time. Since this amendment extends the compliance time and provides a clarification and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-759 (34 F.R. 7006), AD 69-9-1 is amended as follows:

Revise the compliance time in the first paragraph from 25 hours to 50 hours.

Add an additional paragraph (d) as follows:

(d) This airworthiness directive affects only coils with the green plastic covering and does not affect:

(1) Taped coils.

(2) Those covered in black plastic.

(3) Those bearing inspection stamps of any type or color (other than those listed under (b) above).

(4) Those bearing no inspection stamp.

This amendment becomes effective June 24, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in East Point, Ga., on June 12, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-7335; Filed, June 20, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-29]

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

Designation of Transition Area; Correction

On June 3, 1969, F.R. Doc. 69-6471 was published in the FEDERAL REGISTER (34 F.R. 8702), amending Part 71 of the Federal Aviation Regulations by designating the Centerville, Tenn., transition area.

Subsequent to publication of the rule, the geographic coordinate for the Centerville Municipal Airport (lat. 35°50'00" N., long. 87°27'00" W.) was further refined by Coast and Geodetic Survey. The correct geographic coordinate is lat. 35°50'15" N., long. 87°26'45" W. Therefore, action is taken herein to amend the description accordingly.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective 0901 G.m.t., July 24, 1969, F.R. Doc. 69-6471 is amended as follows:

In lines 3 and 4 of the Centerville, Tenn., transition area description "* * * (lat. 35°50'00" N., long. 87°27'00" W.) * * *" is deleted and "* * * (lat. 35°50'15" N., long. 87°26'45" W.) * * *" is substituted therefor.

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

Issued in East Point, Ga., on June 12, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-7337; Filed, June 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-36]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the Walnut Ridge, Ark., control zone.

The Walnut Ridge control zone is presently designated full-time in Part 71 (34 F.R. 4632) of the Federal Aviation Regulations. The FAA expects to relocate the Walnut Ridge Flight Service Station to Jonesboro, Ark., June 26, 1969, and discontinue weather observations at Walnut Ridge effective 2359 CDT, June 25, 1969. Currently, negotiations are underway to provide a part-time supplementary weather observing program at Walnut Ridge starting on or about June 26, 1969.

In view of the foregoing, it is appropriate to change the Walnut Ridge control zone designation to part-time with the effective dates and times established in advance by a Notice to Airmen and

continuously published thereafter in the Airman's Information Manual. Definite dates and times will be established and published as soon as they are available.

Since this amendment does not increase the extent of controlled air space nor place an undue burden on the public, notice and public procedures thereon are unnecessary and it may be made effective to coincide with relocation of the Flight Service Station.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective June 26, 1969, as herein set forth.

In § 71.171 (34 F.R. 4632), the Walnut Ridge, Ark., control zone is amended by adding the following. "This control zone is 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."

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

Issued in Fort Worth, Tex., on June 11, 1969.

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

[F.R. Doc. 69-7338; Filed, June 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WE-38]

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

Alteration of Control Zone Description

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the description of the Chandler, Ariz., control zone. This action is necessary to reflect the name change of the Chandler VOR to Rittenhouse VOR.

In § 71.171 (34 F.R. 4557) the Chandler, Ariz., control zone is amended by deleting "* * * Chandler VOR," and substituting "* * * Rittenhouse VOR * * *" therefor.

Since this change is editorial in nature and imposes no additional burden on any person, notice, and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

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

Issued in Los Angeles, Calif., on June 12, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-7339; Filed, June 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-EA-70]

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

Alteration of Control Zone and Transition Areas

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Montpelier, Vt., control zone (34 F.R. 4606) and transition area (34 F.R. 4730); the Henderson, Ky. (34 F.R. 4699), and Rutland, Vt. (34 F.R. 4757), transition areas.

A change in the name of Henderson Airport, Henderson, Ky., Barre-Montpelier Municipal Airport, Barre-Montpelier, Vt., and Rutland Municipal Airport, Rutland, Vt., requires alteration of the present designation of the transition areas and control zone where the description includes specific reference to these airports.

Since these changes are editorial in nature and impose no additional burden on any person, notice and public procedure are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Montpelier, Vt., Henderson, Ky., and Rutland, Vt., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Montpelier, Vt., control zone, "Barre-Montpelier, Airport, Montpelier, Vt." and insert "Barre-Montpelier State Airport, Barre-Montpelier, Vt." in lieu thereof.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete:

(a) In the description of the Montpelier, Vt., transition area, "Barre-Montpelier Airport, Montpelier, Vt." and insert "Barre-Montpelier State Airport, Barre-Montpelier, Vt." in lieu thereof.

(b) In the description of the Henderson, Ky., transition area, "Henderson Airport" and insert "Henderson City-County Airport" in lieu thereof.

(c) In the description of the Rutland, Vt., transition area, "Rutland Airport" and insert "Rutland State Airport" in lieu thereof.

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

Issued in Jamaica, N.Y., on June 10, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-7340; Filed, June 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-CE-41]

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

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the segment of VOR Federal airway No. 193 west alternate between White Cloud, Mich., and Traverse City, Mich. The Federal Aviation Administration is taking action herein to realign V-193W between White Cloud and Traverse City via the Manistee, Mich., VOR, which was commissioned on May 7, 1969. Realignment of V-193W via the Manistee VOR will provide better course guidance, shorten the distance on this airway segment and reduce the amount of controlled airspace.

Since this airway alteration is minor in nature and causes no additional burden, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., August 21, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V-193 is amended by deleting "INT White Cloud 329° and Traverse City 235° radials;" and substituting "Manistee, Mich.;" 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 Washington, D.C., on June 17, 1969.

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

[F.R. Doc. 69-7341; Filed, June 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WE-40]

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 description of the Rifle, Colo., transition area.

For the benefit of more accurate plotting of Rifle, Colo., transition area one of the geographical coordinates contained in the description of the transition area will be changed. Corrective action is taken herein.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedures hereon are unnecessary.

In consideration of the foregoing the Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

In 71.181 (34 F.R. 7961) the description of the Rifle, Colo., transition area is amended by deleting "* * * latitude 39°24'00" N. * * *" in the 17th line and substituting "* * * 39°24'30" N. * * *" therefor.

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

Issued in Los Angeles, Calif., on June 12, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-7342; Filed, June 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-24]

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

Designation and Alteration of Transition Areas; Correction

On May 2, 1969, F.R. Doc. 69-5253, effective June 26, 1969, was published in the FEDERAL REGISTER (34 F.R. 7221, 7222), amending Part 71 of the Federal Aviation Regulations by designating the Marion, S.C., transition area and altering the Florence, S.C., transition area.

Subsequent to publication of the rule, Coast and Geodetic Survey refined the final approach radial of the VOR instrument approach from the Florence VORTAC 100° to the 101° radial. Accordingly, it is necessary to alter the Marion, S.C., transition area description to reflect this change.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the rule accordingly.

In consideration of the foregoing, effective immediately, F.R. Doc. 69-5253 is amended as follows:

In line five of the Marion, S.C., transition area description "* * * Florence VORTAC 100° * * *" is deleted and "* * * Florence VORTAC 101° * * *" is substituted therefor.

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

Issued in East Point, Ga., on June 16, 1969.

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

[F.R. Doc. 69-7344; Filed, June 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WE-21]

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

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Areas and Alteration of Continental Control Area

On April 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7030) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate three temporary joint use restricted areas in the vicinity of Camp Hale, Colo., and that would alter the description of the continental control area to reflect the designation of these areas.

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

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

1. In § 73.26 (34 F.R. 4819) the following is added:

R-2603 CAMP HALE, COLO.

Boundaries:

A-LAUNCH SITE

A circle with a five-mile radius centered at lat. 39°26'30" N., long. 106°19'30" W.

B-NORTH IMPACT AREA

Beginning at lat. 39°45'41" N., long. 106°28'55" W.; to lat. 39°45'01" N., long. 106°30'46" W.; to lat. 39°52'54" N., long. 106°35'51" W.; to lat. 39°53'46" N., long. 106°33'26" W.; thence to point of beginning.

C-SOUTH IMPACT AREA

Beginning at lat. 38°50'30" N., long. 106°01'20" W.; to lat. 38°51'10" N., long. 105°59'15" W.; to lat. 38°59'20" N., long. 106°03'10" W.; to lat. 38°58'40" N., long. 106°05'15" W.; thence to point of beginning.

Designated altitudes: Surface to FL 240.

Time of designation: 0001 to 0900 daily, September 2, 1969, to October 11, 1969, and January 5, 1970, to February 10, 1970.

Controlling agency: FAA, Denver ARTC Center.

Using agency: Atmospheric Sciences Officer, Atmospheric Sciences Laboratory, U.S. Army Electronics Command, White Sands Missile Range, N. Mex.

2. In § 71.151 (34 F.R. 4546) "R-2603 Camp Hale, Colo." is added.

(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 Washington, D.C., on June 16, 1969.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-7343; Filed, June 20, 1969; 8:48 a.m.]

[Docket No. 9113; Amdt. 93-17]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

High Density Traffic Airports; Arrival and Departure Reservations and VFR Flight Plans

The purpose of this amendment is to permit operations at airports designated as high density traffic airports without obtaining an arrival or departure reservation, or filing a VFR flight plan, where appropriate.

Under the provisions of the high density traffic airport rules prescribed in Subpart K (Amdt. 93-15; 34 F.R. 2603), an arrival or departure reservation and an IFR or VFR flight plan, as appropriate, are required for operations conducted at the airports involved. Since the effective date of those rules, the number of operations at the airports involved that are conducted between the hours of midnight and 6 a.m., local time, is extremely small and does not justify the need for an arrival or departure reservation during those hours. Accordingly, the requirement for an arrival or departure reservation is hereby deleted from the provisions of § 93.125 for all operations between midnight and 6 a.m., local time.

Inasmuch as reservations will no longer be required between the hours of midnight and 6 a.m., local time, the provisions of § 93.125 are further amended to provide that pilots operating VFR during those hours need not file a VFR flight plan.

If operational experience indicates that the demand for use of the affected airports between the hours of midnight and 6 a.m. begins to exceed the maximum hourly limitation specified in § 93.123, the FAA will take further regulatory action to restore the original terms of § 93.125 to operations conducted during those hours.

Since this amendment provides relief from procedural requirements, compliance with further notice and procedure is unnecessary and it is made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, § 93.125 is amended, effective June 21, 1969, by adding a flush paragraph at the end of that section to read as follows:

§ 93.125 Arrival or departure reservation and flight plan.

* * * * *

The arrival or departure reservations prescribed in paragraph (a) of this section and the VFR flight plan prescribed in paragraph (b) of this section are not required for an operation conducted to or from a high density traffic airport between 12 midnight and 6 a.m., local time.

(Secs. 103, 307 (a), (b), (c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348 (a), (b), (c), 1354(a), 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 1.4(b), (2), Part 1, Regulations of the Office of the Secretary)

Issued in Washington, D.C., on June 19, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-7404; Filed, June 20, 1969; 8:50 a.m.]

[Docket No. 9466; Amdt. 151-33]

PART 151—FEDERAL AID TO AIRPORTS

Land Acquisition Costs for Approach Lighting Systems; U.S. Share

The purpose of this amendment to Part 151 of the Federal Aviation Regulations is to provide, for projects under the Federal-aid Airport Program, that the U.S. share of the acquisition costs of land needed for the installation of approach lighting systems is 75 percent regardless of the intensity of the lights involved.

This amendment was proposed in Notice 69–8, issued on March 4, 1969, and published in the FEDERAL REGISTER on March 12, 1969 (34 F.R. 5111). Seven public comments were received on the notice, all of which concurred in the proposal. One comment suggested that the 75 percent Federal participation in acquisition costs for a parcel of land within a clear zone should also apply to any excess portion of that parcel lying outside the clear zone boundary. However, this comment is outside the scope of the notice.

As proposed in the notice, this amendment provides for the same percent of Federal participation in the acquisition costs of land needed for medium intensity approach lighting systems and like systems with runway alignment indicator lights that are now incorporated into the National Airspace System, as has been previously applied to high intensity approach lighting systems.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, § 151.13 of the Federal Aviation Regulations is amended, effective July 21, 1969, by striking out the words "high intensity" from the flush sentence at the end of paragraph (a) of that section.

(Secs. 9, 10, Federal Airport Act; 49 U.S.C. 1108, 1109; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); § 1.4(b)(2), Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on June 16, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69–7336; Filed, June 20, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

CARBARSONE (NOT U.S.P.)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (10–285V) filed by Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067, and other relevant material, concludes that § 121.310 should be amended to provide for the safe use of a lower level of carbarsone (not U.S.P.) in the feed of turkeys for the prevention of blackhead.

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), § 121.310 *Carbarsone (not U.S.P.)* is amended in the second column of the table in paragraph (b) by changing "340.5 (0.0375%)" to read "227–340.5 (0.025–0.375%)."

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: June 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–7321; Filed, June 20, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

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

CLOPIDOL; CORRECTION

In F.R. Doc. 69–5588 appearing at page 7612 in the issue of Tuesday, May 13, 1969, the text under "Limitations" for item 3 of the table in § 121.325 (b) is corrected to read: "For replacement chickens intended for use as caged layers; do not feed to laying chickens; do not feed to chickens over 16 weeks of age."

Dated: June 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–7322; Filed, June 20, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER C—AGE DISCRIMINATION IN EMPLOYMENT

PART 860—INTERPRETATIONS

Miscellaneous Amendments

Pursuant to the Age Discrimination in Employment Act of 1967 (81 Stat. 602; 29 U.S.C. 620) and Secretary's Orders No. 10–68 (33 F.R. 9729) and No. 11–68 (33 F.R. 9690), 29 CFR Part 860 is amended as set forth below.

As these are interpretive rules and are not substantive, the provisions of 5 U.S.C. 553 concerning notice of proposed rule making, public participation therein, and delay in effective date do not apply. I do not believe such procedure and delay will serve a useful purpose here. Accordingly, these rules shall be effective immediately.

1. A new § 860.30 is added to read as follows:

§ 860.30 Definitions.

Considering the purpose of the proviso to section 7(c) of the Act as indicated in the reports of both the Senate and House Committees (see S. Rept. No. 723, 90th Cong., 1st Sess., and H. Rept. No. 805, 90th Cong., 1st Sess.) it was clearly the intent of Congress that the term "employee" in that proviso should apply to any person who has a right to bring an action under the Act, including an applicant for employment.

2. Paragraph (b) of § 860.92 is revised to read as follows:

§ 860.92 Help wanted notices or advertisements.

* * * * *

(b) When help wanted notices or advertisements contain terms and phrases such as "age 25 to 35," "young," "boy," "girl," "college student," "recent college graduate," or others of a similar nature, such a term or phrase discriminates against the employment of older persons and will be considered in violation of the Act. Such specifications as "age 40 to 50," "age over 50," or "age over 65" are also considered to be prohibited. Where such specifications as "retired person" or "supplement your pension" are intended and applied so as to discriminate against others within the protected group, they too are regarded as prohibited, unless one of the exceptions applies.

* * * * *

3. In § 860.95, the existing language is designated as paragraph (a), and a new paragraph (b) is added to read as follows:

§ 860.95 Job applications.

* * * * *

(b) An employer may limit the active period of consideration of an application so long as he treats all applicants alike regardless of age. Thus, for example, if the employer customarily retains employment applications in an active status for a period of 60 days, he will be in compliance with the Act if he so retains those of individuals in the 40 to 65 age group for an equal period of consideration as those of younger persons. Further, there is no objection to the employer advising all applicants of the above practice by means of a legend on his application forms as long as this does not suggest any limitation based on age. If it develops, however, that such a legend is used as a device to avoid consideration of the applications of older persons, or otherwise discriminate against them because of age, there would

then appear to be a violation of the Act. It should be noted that this position in no way alters the recordkeeping requirements of the Act which are set forth in Part 850 of this chapter.

4. In § 860.104, a new paragraph (c) is added to read as follows:

§ 860.104 Differentiations based on reasonable factors other than age—Additional examples.

* * * * *

(c) *Refusal to hire relatives of current employees.* There is no provision in the Act which would prohibit an employer, employment agency, or labor organization from refusing to hire individuals within the protected age group not because of their age but because they are relatives of persons already employed by the firm or organization involved. Such a differentiation would appear to be based on "reasonable factors other than age."

5. Section 860.110 is revised to read as follows:

§ 860.110 Involuntary retirement before age 65.

(a) Section 4(f)(2) of the Act provides that "It shall not be unlawful for an employer, employment agency, or labor organization * * * to observe the terms of * * * any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual * * *." Thus, the Act authorizes involuntary retirement irrespective of age, provided that such retirement is pursuant to the terms of a retirement or pension plan meeting the requirements of section 4(f)(2). The fact that an employer may decide to permit certain employees to continue working beyond the age stipulated in the formal retirement program does not, in and of itself, render an otherwise bona fide plan invalid insofar as the exception provided in section 4(f)(2) is concerned.

(b) This exception does not apply to the involuntary retirement before 65 of employees who are not participants in the employer's retirement or pension program. It should be noted that section 5 of the Act directs the Secretary of Labor to undertake an appropriate study of institutional and other arrangements giving rise to involuntary retirement, and report his findings and any appropriate legislative recommendations to the President and to Congress.

6. Section 860.120 is revised to read as follows:

§ 860.120 Costs and benefits under employee benefit plans.

(a) Section 4(f)(2) of the Act provides that it is not unlawful for an employer, employment agency, or labor organization "to observe the terms of * * * any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual * * *." Thus, an employer is not required to provide older workers who are otherwise protected by the law with the same pension, retirement or insurance benefits as he provides to younger workers, so long as any differential between them is in accordance with the terms of a bona fide benefit plan. For example, an employer may provide lesser amounts of insurance coverage under a group insurance plan to older workers than he does to younger workers, where the plan is not a subterfuge to evade the purposes of the Act. A retirement, pension, or insurance plan will be considered in compliance with the statute where the actual amount of payment made, or cost incurred, in behalf of an older worker is equal to that made or incurred in behalf of a younger worker, even though the older worker may thereby receive a lesser amount of pension or retirement benefits, or insurance coverage. Further, an employer may provide varying benefits under a bona fide plan to employees within the age group protected by the Act, when such benefits are determined by a formula involving age and length of service requirements.

(b) Profit-sharing plans: Not all employee benefit plans but only those similar to the kind enumerated in section 4(f)(2) of the Act come within this provision and a profit-sharing plan as such would not appear to be within its terms. However, where it is the essential purpose of a plan financed from profits to provide retirement benefits for employees, the exception may apply. The "bona fides" of such plans will be considered on the basis of all the particular facts and circumstances.

(c) Forfeiture clauses in retirement programs: Clauses in retirement programs which state that litigation or participation in any manner in a formal proceeding by an employee will result in the forfeiture of his rights are unlawful insofar as they may be applied to those who seek redress under the Act. This is by reason of section 4(d) which provides that it "shall be unlawful for an employer to discriminate against any of his employees * * * because such individual * * * has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under this Act."

(81 Stat. 602; 29 U.S.C. 620. Secretary's Order No. 10-68, 33 F.R. 9729; Secretary's Order No. 11-68, 33 F.R. 9690)

Signed at Washington, D.C., this 17th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69-7374; Filed, June 20, 1969; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER B—SALES AND SERVICE

PART 813—SCHEDULE OF FEES FOR COPYING, CERTIFYING AND SEARCHING RECORDS AND OTHER DOCUMENTARY MATERIAL

Part 813 is revised to read as follows:

Sec.
813.0 Purpose.
813.2 Policy on fees.
813.4 Restrictions on copying.
813.6 Services provided without charge.
813.8 Reviewing schedule of fees.
813.10 Schedule of fees and rates.

AUTHORITY: The provisions of this Part 813 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 12-32, April 28, 1969.

§ 813.0 Purpose.

This part establishes the schedule of fees to be collected by the Air Force for copying, certifying, and searching records and other documentary material.

§ 813.2 Policy on fees.

The Air Force collects fees for copying, certifying, and searching records and other documentary materials to make these services as self-sustaining as possible. (Services and fees are listed in § 813.10.) Requests for information and copies of records are subject to AFR 11-30 (Disclosure of Unclassified Records and Use of the Term "For Official Use Only"). When the fee can be determined in advance, the activity concerned will collect it before performing the service. However, exceptions may be made for unusual requests.

§ 813.4 Restrictions on copying.

The copying or sale of copyright material contained in Air Force documents may violate exclusive rights granted to a copyright owner. See AFR 110-8 (Inventions, Patents, Copyright, and Trademarks) prior to copying or sale. For other restrictions on the copying or reproduction of material, see AFR 6-1 (Policies and Procedures Governing AF Printing and Duplicating).

§ 813.6 Services provided without charge.

Fees are not collected when requests for the following types of services are received from the sources specified: (The term "Armed Forces" includes the Air Force, Army, Navy, Marine Corps, and their civilian components.)

(a) Any service requested by members of the Armed Forces who require the document or information in their capacity as members of the Armed Forces of the United States.

(b) Any service requested by members of the Armed Forces who are in a casualty status, or by their next of kin

or legal representatives; and requests for information from any source relating to a casualty.

(c) Any service requested by members (or retired members) of the Armed Forces for copies of or information from their own medical or dental records.

(d) Information from or copies of medical and dental records and/or X-ray films of patients or former patients of military medical or dental facilities. The information must be required for further medical or dental care and be requested by an accredited medical facility, physician, or dentists, or by the patient, his next of kin, or legal representative.

(e) Any service requested by members (or retired members) of the Armed Forces or their dependents for copies of or information from the dependents' medical or dental records.

(f) The address of record of an active duty member or former member of the Armed Forces of the United States when it can be furnished informally through local directory (locator) reference and is requested by:

(1) A member (or retired member) of the Armed Forces of the United States, or

(2) A relative or legal representative of a member of the Armed Forces of the United States, or

(3) Any source when the address is required to pay money or forward property to a member or former member of the Armed Forces of the United States, or

(4) A custodian or manager of property owned by the member or former member who seeks to communicate with the member regarding the property.

(g) Any service requested by or on behalf of a member or former member of the Armed Forces, or, if deceased, his next of kin or legal representative, pertaining to requests for:

(1) Information required to obtain financial benefits.

(2) Document showing membership and military record in the Armed Forces, if discharge or release was under honorable conditions.

(3) Information relating to a decoration or award or information required for memorial purposes.

(4) Review or change in type of discharge or correction of records.

(5) Personal documents, e.g., birth certificates, when such documents are required to be furnished by the individual.

(h) Those services furnished free in accordance with statutes or Executive orders.

(i) Any service that relates to or furthers the Armed Forces recruiting programs and any service furnished representatives of public information media or the general public in the interest of public understanding of the Armed Forces.

(j) Any service involving confirmation of employment or salaries of active or separated civilian or military personnel when requested by prospective employers or recognized sources of inquiry for credit or financial purposes.

(k) Any service requested by and furnished to a Member of Congress for official use.

(l) Any service requested by a State, U.S. possession, county, or municipal government, or an agency thereof, which is carrying on a function that is related to or furthers the public safety, health or welfare.

(m) Any service requested by a court that will serve as a substitute for the personal court appearance of a military or civilian employee of the Department of Defense.

(n) Any service requested by a nonprofit organization which is carrying on a function that is related to or furthers an objective of public safety, health, and welfare.

(o) Any service requested when the cost of such services ultimately would be charged to the Federal Government.

(p) Any service requested by donors regarding their gifts.

(q) Any request that results in an unsuccessful search of records, other than requests to determine the existence or nonexistence of a record.

(r) Requests for service that are occasional, incidental, and not often made (including any request from a resident of a foreign country), if it is administratively determined that a fee for such an occasional case would be inappropriate.

(s) Any request when furnishing the service without charge is an appropriate courtesy to a foreign country or international organization. When comparable fees are set on a reciprocal basis with a foreign country, such fees apply instead of the fees in § 813.12.

(t) Any request from Federal employees to complete forms applicable to claims for reimbursement under the Federal Employees Health Benefit Act of 1959 (5 U.S.C. 8901 et seq.).

(u) Administrative services normally provided in reference or reading rooms or libraries for public inspection of records, except for copies of records or documents furnished.

§ 813.8 Reviewing schedule of fees.

The schedule of fees is reviewed whenever costs change significantly. It is reviewed at least once each year to determine whether the Air Force should collect a fee for any other services rendered the public or change or discontinue any of the existing fees. Activities concerned will submit their recommendations to Hq USAF (AFDASB). Costs are determined or estimated in accordance with cost standards in AFR 177-8 (User Charges and User Charges Report).

§ 813.10 Schedule of fees and rates.

This schedule applies to authorized services related to copying, certifying, and searching records rendered to the public, unless those services are excluded or excepted from charges under § 813.6. Except as provided in special cases prescribed below, a minimum fee of $1.50 is levied for processing any chargeable case. Normally only one copy of any record is provided.

Requests involving:

1. Training and education:

a. Transcripts:	
Original Copy	$1.50
Each additional copy (Includes requests for transcripts of graduation from military academies and schools)	.25
b. Certificates:	
Original Copy	1.50
Each additional copy (Includes all requests for certificates, verification of attendance, and course completion from service schools and other facilities)	.25

2. Medical and dental records of patients and former patients when requested for purposes other than further treatment. Covers requests for information from or copies of medical records, including Clinical Records (inpatient records of military and nonmilitary patients), Health Records (military outpatient records), Outpatient Records (nonmilitary outpatient records), Dental Records, and loan of X-rays.

a. Searching and processing (per hour)	$5.00
Minimum charge	2.50
b. Each typewritten page	1.50
c. Office copy reproductions (per image)	.25
d. Loan of each X-ray	1.50

3. Military membership and record (excluding medical and dental records).

a. Address of record, each	$1.50
b. Copies of releasable military personnel records, such as effectiveness reports for officers and enlisted men, reproduced for the personal use of active, retired and former member or next of kin of missing in action or deceased member of the Armed Forces.	
(1) Minimum charge (up to six office copy reproductions)	1.50
(2) Each additional image	.25
(3) Statement of verification of service or report of separation, for individuals other than honorable discharges	2.50

4. Claims, Litigation (includes court-martial records, furnishing information from Investigative Reports, e.g., automobile collision investigations, etc.). Requests pertaining to private litigation and to cases in which the United States is a party are made at the following rates where court rules provide for reproduction of records without cost to the Government (if not covered in paragraphs 2 or 3 of this section):

a. Searching and processing (per hour)	$5.00
Minimum charge	2.50

NOTE. Charges for professional search or research will be made in accordance with paragraph 8b below.

b. Office copy reproduction (minimum up to six reproduced images)	$1.50
c. Each additional image	.25
d. Certification and validation with seal, each	2.50

5. Publications and forms. A search and/or processing fee as prescribed in paragraph 8a of this section will be made for requests requiring extensive time (1 hour or more).

a. Shelf Stock. (Requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage.)

(1) Minimum fee per request plus	$1.50
(a) Forms, per copy	.05
(b) Publications, per printed page	.01

(Examples: Cost of 20 forms, $2.50; cost of a publication with 100 pages, $2.50.)

b. Office copy reproduction (when shelf stock is not available).

(1) Minimum charge (up to six reproduced pages)	$1.50
(2) Each additional image	.25
6. Engineering data (microfilm).	
a. Aperture cards:	
(1) Silver duplicate negative, per card	.35
When key punched and verified, per card	.40
(2) Diazo duplicate negative, per card	.30
When key punched and verified, per card	.35
b. 35mm roll film, per frame	.30
c. 16mm roll film, per frame	.20
d. Paper prints (engineering drawings), each	.50
e. Paper reprints of microfilm indices, each	.05
7. Photography and magnetic tape.	
8 x 10 single weight glossy finish, 1st print	.90
2d and 3d prints each	.40

See AFR 95-4 (Sale of Documentary Still Photographs) for fees applicable to other still picture services and AFR 95-12 (Sale or Release of Motion Picture and Second-Track Stock-footage) for those pertaining to motion picture photography and magnetic tape.

8. General services. Charges for any additional services not specifically provided above, and consistent with this part and AFR 177-8 (User Charges and User Charges Report), are made at the following rates:

a. Clerical search and processing per hour	$5.00
Minimum charge	2.50
b. Professional searching or researching	
(To be established at actual hourly rate prior to search. A minimum charge is established at one half of the hourly rate.)	
c. Minimum charge for office copy reproduction (minimum up to six images)	1.50
d. Each additional image	.25
e. Each typewritten page	1.50
f. Certification and validation with seal, each	2.50
g. Hand drawn plots and sketches, each hour or fraction thereof	6.00

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-7310; Filed, June 20, 1969; 8:45 a.m.]

PART 818—PRIVATE INDEBTEDNESS

Part 818 is revised to read as follows:

Subpart A—Private Indebtedness

Sec:

Subpart B—General Requirements for Debt Complaints To Be Accepted

Subpart C—Processing Debt Complaints

AUTHORITY: The provisions of this Part 818 issued under sec. 8012, 70A Stat. 488; U.S.C. 8012.

SOURCE: AFR 35-10, April 15, 1969.

Subpart A—Private Indebtedness

§ 818.0 Purpose.

This part establishes standards for considering the financial responsibility of Air Force military members. It states conditions a complainant must meet before requests for assistance in collecting debts are accepted, and tells how to process accepted requests. The rules and regulations are effective immediately, except that § 818.8 will not be enforced until 30 days after the date of this publication.

§ 818.2 Financial responsibility of member.

Air Force military members are expected to discharge their just financial obligations in a proper and timely manner. A "just financial obligation" means one in which there is no reasonable dispute as to the facts or the law, or one reduced to judgment that conforms to the Soldiers' and Sailors' Civil Relief Act (50 U.S. Code Appendix 501, et seq.), if applicable. "In a proper and timely manner" means a manner in which the immediate commander determines is in good faith.

§ 818.4 Payment of debts.

The Air Force is without legal authority to require a member to pay a private debt, or to divert any part of his pay for the satisfaction thereof, even though the indebtedness may have been reduced to judgment by a civil court. The enforcement of the private obligations of Air Force members is a matter for civil authorities.

Subpart B—General Requirements for Debt Complaints To Be Accepted

§ 818.6 Standards of fairness and full disclosure.

AF Form 459, or its equivalent, must be provided by the complainant. If an equivalent of AF Form 459 is not provided by the seller or lender, locally reproduce AF Form 459 on 8" x 10½" paper. Produce part I on one sheet, produce parts II and III (continued) head to foot on another sheet. Complaints of the following types need not meet the requirements of this section:

(a) Claims from companies furnishing utility, milk, laundry, and similar services when credit is extended solely to facilitate the service.

(b) Claims by accommodation indorsers, comakers, or lenders against the party primarily liable on obligations not intended to benefit the accommodating party through payment of interest or otherwise.

(c) Contracts for the purchase, sale, or rental of real estate.

(d) Claims in which the total unpaid amount does not exceed $50.

(e) Claims for support of dependents.

(f) Claims based on a revolving or open end credit account if the account shows the periodic interest rate and its annual rate equivalent and the balance to which it is applied to compute the charge.

(g) Purchase money liens on real property (this does not include other liens on real property and related obligations such as those that represent obligations for improvement or repair).

(h) Claims by local, State, or Federal Government agencies unless the claim is based on subrogation to rights arising under a private contract not excluded from processing by this section.

(i) Those in which the debt has been reduced to a judgment.

§ 818.8 Previous efforts to resolve the matter.

The complainant must show that he has attempted to adjust the debt by direct contact with the member.

§ 818.10 Nonconforming complaints.

Debt complaints received, but not in compliance with the requirements of this subpart, will be returned to the complainant with an explanation of the deficiency.

Subpart C—Processing Debt Complaints

§ 818.12 Action required when complaint is received.

(a) By the CBPO Quality Control Special Actions Unit (SA).

(1) Complaints that meet the requirements of Subpart B of this part are sent to the immediate commander of the individual concerned.

(2) Complaints that do not meet the requirements of Subpart B of this part will be returned to the complainant.

(3) Complaints concerning separated or reassigned members:

(i) *Retired.* Send these complaints to the Retired Activities Section, USAFM PC (AFPMSDF), Randolph AFB, TX 78148.

(ii) *Discharged.* Complaints concerning members with no known military status will be returned to the complainant.

(iii) *Released from active duty and assigned to the Reserve forces.* These complaints will be forwarded to the Air Reserve Personnel Center, with a copy to the complainant.

(iv) *Reassigned.* Forward such complaints to the current unit of assignment with a copy to the complainant.

(b) By the commander of the alleged debtor.

(1) Direct from the complainant: Send the complaint to the CBPO Quality Control Special Actions Unit (SA) for action under Subpart B of this part.

(2) From the CBPO Quality Control Special Actions Unit (SA).

(i) *Preliminary inquiry.* The commander thoroughly reviews all the available facts surrounding the transaction forming the basis of the complaint. These

facts are obtained from the complainant's correspondence and the member concerned. This inquiry also includes a general review of the member's financial situation over the life of the obligation complained of.

(ii) *Counseling.* The commander applies the Air Force policy to the facts of the situation, and advises the member what actions, if any, he should take to comply with the policy. In every case, the member is advised of his right to advice under the legal assistance program and to counseling available to members from the on-base credit union.

(iii) *Response to complainant.* The complainant is entitled to a courteous response from the commander. The response will not admit, nor in any way imply, an admission of liability of the member. Neither will it report any action taken against the member as a result of the complaint. The commander will not act as an intermediary for either party nor give that impression in his response. The following should be an adequate response to most complaints:

Subject: (Name of alleged debtor).
To: (Complainant).

1. I have received your letter of (date) concerning (name of alleged debtor) and have discussed the matter with him.

2. As a result of that discussion, I advised (name of alleged debtor) of the Air Force policy concerning matters of this nature as it applies to this situation. The policy is that Air Force members are expected to discharge their just financial obligations in a proper and timely manner. A "just financial obligation" means one in which there is no reasonable dispute as to the facts or the law, or one reduced to judgment which conforms to the Soldiers' and Sailors' Civil Relief Act (50 United States Code appendix 501, et seq.), if applicable. "In a proper and timely manner" means a manner which the immediate commander determines is in good faith.

3. The Air Force has no authority to arbitrate, intervene in, or enforce settlement of matters of this type. They are of a private civil nature for resolution in the civil courts only. The Air Force may take action in cases of continued financial irresponsibility. Such action is designed to improve discipline and to maintain the standards of conduct expected of Air Force personnel, but cannot be used to enforce private civil obligations. I hope the above information clarifies the limits of Air Force authority in this matter.

(iv) *Report to the Armed Forces Disciplinary Control Board.* In every case where it appears that a complainant has engaged in usurious, fraudulent, misleading, or deceptive business practices, the commander will report the situation to the Armed Forces Disciplinary Control Board (AFR 125–11 (Armed Forces Disciplinary Control Boards)).

(v) *Return the file to the CBPO (SA).* The complaint letter and a copy of the commander's response to the complainant will be returned to the CBPO. In addition, a summary of the case will be prepared and included in the file in every case where it should be made part of the Unfavorable Information File (AFR 35–32 (Control Roster Procedures)). The summary will consist of a brief statement of the facts and the commander's evaluation of the case.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69–7308; Filed, June 20, 1969; 8:45 a.m.]

SUBCHAPTER D—CLAIMS AND LITIGATION

PART 846—SUPPORT OF DEPENDENTS

Part 846 is revised as follows:

Sec.
846.0 Purpose.
846.2 Policy.
846.4 Airmen in paygrade E–1 through E–4 (four or less years service).
846.6 Officers and airmen in pay grade E–4 (over four years service) through E–9.
846.8 Court orders and disputed claims.
846.10 Rights of personnel.
846.12 Processing complaints.
846.14 Counseling personnel.
846.16 Action by the commander.

AUTHORITY: The provisions of this Part 846 issued under sec. 8012, 70A Stat. 488, 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 35–29, April 15, 1969.

§ 846.0 Purpose.

This part sets forth Air Force policy pertaining to support of dependents. It provides guidance for all Air Force personnel and for commanders who process complaints of this nature.

§ 846.2 Policy.

Each Air Force member must provide adequate and regular support to the best of his financial ability to his dependents until relieved from such obligation by a civil court of competent jurisdiction. Pending or contemplated court action does not relieve an individual from this obligation. An Air Force member's obligation to support the dependent children of a marriage continues even though a divorce decree or other court order or decree is silent concerning their support. The assumption of additional responsibilities or remarriage does not relieve an Air Force member of his obligation to support his dependents and to comply with court orders relative thereto. Any unreasonable failure of an Air Force member to provide adequate and regular support to his dependents becomes a proper subject of command consideration for appropriate disciplinary or administrative action.

§ 846.4 Airman in pay grade E–1 through E–4 (four or less years service).

The Dependents Assistance Act of 1950 as amended (50 U.S.C. App. 2201, et seq.); and DOD Military Pay and Allowances Entitlements Manual (DODPM), paragraph 30235, provides airmen in pay grades of E–1, E–2, E–3, and E–4 with 4 or less years of service a means of furnishing support for eligible dependents through a Class Q allotment, provided Government quarters are not occupied in accordance with DODPM, part 6, chapter 2, section A. When the airman complies with the above act he will generally be considered as complying with the Air Force policy for support of such eligible dependents. However, the fact that the airman is not eligible for a class Q allotment or that a dependent is not considered an eligible dependent under the Dependents Assistance Act does not relieve the airman of his obligation to provide adequate support for his dependents. Also, additional factors, such as serious illness, may indicate an obligation for the airman to provide additional support over and above the class Q allotment. If the airman fails or refuses to initiate a class Q allotment for his eligible dependents, action will be taken according to DODPM, paragraph 60201b and table 6–2–1.

§ 846.6 Officers and airmen in pay grade E–4 (over four years service) through E–9.

The amount constituting adequate or reasonable support ordinarily should be determined by agreement between the parties or by a court order which specifies an amount to be paid for support. In the absence of a written and signed agreement or a court order, an Air Force member in this category is expected to provide at least an amount equal to his BAQ as minimum support for the dependents of his present marriage (unless a lesser amount is currently requested by or on behalf of such dependents) and to provide such additional amount as is reasonably necessary based on the following:

(a) The needs of the dependents.

(b) The support provided before controversy.

(c) The number and age of all dependents.

(d) The current pay and allowances of the member.

(e) The allowances received by the member by reason of his dependents.

(f) Any other facts pertaining to the individual case, such as serious illness if dependents, etc. Where children of more than one marriage and/or dependents of different categories claim support, Air Force members in this category are expected to apportion their income, in consideration of the factors noted in this section, to provide reasonable support for all dependents to the extent of the member's financial ability.

§ 846.8 Court orders and disputed claims.

As a general rule, a court order or decree issued by a municipal, State, or Federal court of the United States in a case involving support of dependents is a legal determination of any controversy concerning such support and the amount thereof. The Air Force expects a service member to comply with the support provisions of such court order or decree to the best of his financial ability. The Air Force has no authority to specifically enforce a court order or to relieve an individual of an obligation imposed by a court order or decree. Such enforcement or relief may only be obtained through a civil court of competent jurisdiction.

Once an obligation for support has been established by a court order or decree, either temporary or permanent, Air Force members are expected to provide support to the best of their ability according to the terms of the order or decree.

§ 846.10 Rights of personnel.

Nothing in this part will deny Air Force personnel the right to settle obligations through compromise, negotiation, or litigation. When such action is undertaken, it must be conducted in good faith without undue delay. Every Air Force member should be given the opportunity to consult with a legal assistance officer or his personal civilian lawyer if he desires legal advice concerning matters involving support of dependents. When a member's income is inadequate to fully satisfy the amount stated in a court order or decree and adequately maintain himself, he should consult immediately with his legal assistance officer or his personal civilian lawyer with the view of reaching an acceptable compromise. Nevertheless, it is expected that reasonable and regular support will be provided dependents pending any compromise, negotiation, or litigation.

§ 846.12 Processing complaints.

All complaints received must be given prompt consideration and a courteous reply (see AFR 11–25 (Communications With and Service to the Public)). Judicious handling promotes the reputation of Air Force personnel and enhances the desired relationship between the Air Force and the civilian community. All complaints are referred to the commander of the service member for appropriate investigation, counseling, and reply.

(a) *Reassigned personnel.* The commander will forward complaints concerning a former member of his command to the commander of the individual's new unit of assignment. Complainant will be advised of this action and furnished new unit of assignment unless such information is classified. If the commander is aware that a delay en route, extended travel time, etc., the complainant will be advised.

(b) *Discharged personnel.* When an individual has been discharged, the commander will advise the complainant of the date of separation and that jurisdiction over Air Force personnel ceases at the time of discharge. The latest home address of record, if available locally, may be furnished without charge per AFR 11–6 (Schedule of Fees for Copying, Certifying, and Searching Records), paragraph 2r, January 28, 1964.

(c) *Retired personnel.* Complaints received concerning retired personnel will be forwarded to the USAFMPC (AFPMSDM), Randolph AFB TX 78148. Complainant will be advised of this referral.

(d) *Reserve personnel not on extended active duty.* Complaints received involving Reserve personnel not on extended active duty will be forwarded to ARPC, 3800 York St., Denver, CO 80205, and complainant advised of this referral. If the member is a Mobilization Augmentee, ARPC will forward the complaint to his commander for counseling according to § 846.14. The commander will furnish ARPC a report of the action taken. ARPC refers other complaints to the member with a request that he advise ARPC of the action taken to resolve the matter. In appropriate circumstances, the reservist should be advised that his continued failure to provide adequate support for his dependents without good cause or his actions which bring discredit on the Air Force may result in the initiation of discharge action under AFR 45–40 (Discharge of Officers of the AF Reserve by Reason of Misconduct or Inefficiency) or AFR 45–43 (Administrative Discharge of Airmen Members of the AF Reserve).

§ 846.14 Counseling personnel.

(a) The commander will investigate complaints or inquiries received concerning personnel under his command, advise them of the applicable Air Force policy, as appropriate, and counsel them individually as follows:

(1) Failure to support a dependent upon whose account BAQ is claimed may result in nonentitlement to BAQ and BAQ is not payable to a member on behalf of a dependent whom he refuses to support (par. 30236, DODPM).

(2) Regular payment of an amount specified in a current court order or decree will be considered the extent of an individual's legal obligation.

(3) The assumption of additional responsibility or remarriage does not relieve the member from the obligation of support.

(4) The obligation of a father to support his dependent children continues to exist, if claimed by or on behalf of such children, despite the fact that receipt of such support was previously waived by either parent.

(5) Once an obligation to support exists by operation of law, by acknowledgement, by written agreement, by court order or decree, or otherwise, the service member is expected to reasonably and promptly provide support without regard to ancillary disputes, such as, rights of visitation, marital misconduct, property settlements, etc.

(6) Personnel should be advised of the desirability of assuring that their support obligation is met through allotment whenever possible, particularly before reassignment or departure on extended temporary duty.

(b) Commanders will assure that members of their commands are aware of Air Force policies pertaining to support of dependents. Personnel should be encouraged to maintain accurate records of support payments if payments are not made by allotment.

§ 846.16 Action by the commander.

The commander is the best judge of of the facts in each case. He should seek the Staff Judge Advocate's advice on any legal issues involved in the case as well as any matters about which the Staff Judge Advocate may have particular knowledge and experience. Complaints of nonsupport are forwarded to a service member's commander to permit him to obtain all the facts in the case and to give the service member an opportunity.

(a) The Air Force has no authority to adjudicate private disputes with regard to the facts or the law. Except in a case within the purview of the Dependents Assistance Act there is no authority to involuntarily allot or divert a portion of a serviceman's pay for the support of dependents. A commander has no authority to direct a service member under his command to take specific action or forward a specific amount in support of his dependents. However, is the absence of a written agreement or a court order which specifies a definite amount for support, the commander should determine, in the light of all the facts and the policies expressed herein, what he considers to be a reasonable and adequate amount for support and so advise the service member.

(b) All complaints will be given prompt consideration and a courteous reply (AFR 11–25 (Communications With and Service to the Public)). The individual concerned will be counseled by the commander, given an opportunity to examine all information furnished by the complainant, and the Air Force policy will be explained to him.

(c) When the service member takes immediate steps to provide support in the amount requested, the commander will so advise the complainant. In other cases, the commander will explain to the complainant in a clear and courteous manner the position taken by the service member and applicable Air Force policy. Commanders will take such monitoring action as necessary to assure that statements and promises of the service member are carried out expeditiously.

(d) The commander will evaluate facts whenever an individual is not complying with Air Force policy and determine whether administrative or disciplinary action is appropriate.

(e) The commander will determine if the member's continued failure to furnish adequate support to his dependents, as prescribed by Air Force policy, or refusal to support his dependents, warrants action to request the stoppage of BAQ payments under the provisions of DODPM, paragraph 30236, and AFM 177–105.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-7309; Filed, June 20, 1969; 8:45 a.m.]

SUBCHAPTER F—AIRCRAFT

PART 859—NON-AIR FORCE PILOTS FLYING AIR FORCE TEST AIRCRAFT

Part 859 is revised to read as follows:

Sec.
859.0 Purpose.
859.2 Test aircraft explained.

Sec.
859.4 Who may fly Air Force test aircraft.
859.6 Approval of flights.

AUTHORITY: The provisions of this Part 859 issued under sec. 9012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 60-30, April 16, 1968.

§ 859.0 Purpose.

This part authorizes the flying of Air Force test aircraft by non-Air Force pilots, and tells who may approve such flights.

§ 859.2 Test aircraft explained.

A test aircraft is any aircraft undergoing Air Force research and development testing or used by the Air Force research and development testing or used by the Air Force for conducting component or related tests in the research and development program. Production aircraft undergoing acceptance testing but not yet accepted from the contractor by the Air Force are not included.

§ 859.4 Who may fly Air Force test aircraft.

Non-Air Force pilots who possess qualifications comparable to Air Force standards may fly Air Force test aircraft provided:

(a) Flights are in the interest of the Air Force development program and do not hinder the Air Force testing program.

(b) The person making the flight submits a report of the findings of each flight to the approving Air Force agency.

(c) Classified information is not disclosed or revealed except with specific approval.

§ 859.6 Approval of flights.

(a) Hq USAF (AFSPD) approves flying of Air Force:

(1) Test aircraft by:

(i) Persons officially sponsored by or representing foreign governments whose visit within CONUS has been approved by AFNIN.

(ii) Other non-United States citizens.

(iii) U.S. citizens who are not members of the Department of Defense, NASA, or FAA.

(2) Research or experimental aircraft by persons not directly involved in the testing program for that aircraft.

(b) The Commander, AFSC, approves flying of Air Force test aircraft by:

(1) U.S. citizens who are members of the Department of Defense, NASA, or FAA.

(2) Civilian contractor personnel actively engaged in approved Air Force test programs.

(c) The cognizant Air Force representative approves flights of contractor personnel in Air Force test aircraft provided through bailment agreement.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-7307; Filed, June 20, 1969; 8:45 a.m.]

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

Losses

Section 1459.5(a) *Losses in prior or subsequent years* is amended by deleting the third and fourth sentences in their entirety and inserting in lieu thereof the following: "Under certain circumstances, however, there will be allowed as a cost in a fiscal year ending after December 31, 1958, the sum of the "renegotiation loss carryforwards" to such fiscal year from the preceding 5 fiscal years. (See § 1457.9 of this chapter.)"

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: June 18, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-7365; Filed, June 20, 1969; 8:49 a.m.]

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

Taxes Measured by Income

Section 1459.9(e) *State income tax measured by income for preceding year* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1459.9 Taxes measured by income ("State income taxes").

* * * * *

(e) *State income tax measured by income for preceding year.* When a State income tax for a succeeding fiscal year is measured by the income of the contractor for the fiscal year under review, an adjustment pursuant to section 103(f) of the act will be made on account of such tax in eliminating excessive profits for the fiscal year under review, except that if the fiscal year under review is the first year in which the contractor does business in the State and a tax measured by the income for such year is payable for such year, an adjustment will be made on account of the tax payable for such year but no adjustment will be made on account of the tax payable for the succeeding year.

Example. State *X* imposes a franchise tax for the privilege of doing business in the State for a taxable year. The tax is based upon the taxpayer's net income for the preceding year, except that the tax for the first year in which the taxpayer does business in the State is based upon its income in that year. Assume that a contractor incorporated in State *X* pays a franchise tax of $10,000 for Year 1, measured by its net income for Year 1. The contractor's tax for Year 2 is again $10,000, since it is also measured by the income for Year 1. For Year 3, the contractor pays a tax of $15,000, measured by its Year 2 income. In renegotiation, if excessive profits are determined for each year, the contractor will be allowed a State tax adjustment in the amount of $10,000 for Year 1, and $15,000 for Year 2. The adjustment for Year 3 will be the amount paid in Year 4, measured by the Year 3 income.

* * * * *

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: June 18, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-7366; Filed, June 20, 1969; 8:49 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Directive 12]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart AA—Bureau of Narcotics and Dangerous Drugs

REDELEGATION OF FUNCTIONS

By virtue of the authority vested in me by § 0.159 and Subpart AA of Title 28, Code of Federal Regulations, in order to reflect more accurately the responsibilities of certain officials of the Bureau of Narcotics and Dangerous Drugs as a result of reorganization and reassignment, I hereby make the following changes in previous directives:

ENFORCEMENT OFFICERS: DELEGATION OF AUTHORITY TO CARRY FIREARMS

Directive No. 8 (33 F.R. 18237) is hereby rescinded, and the following officers and employees of the Bureau of Narcotics and Dangerous Drugs are authorized to carry firearms:

1. The Director.
2. The Deputy Director.
3. All criminal investigators, Series 1811, under Civil Service Commission regulations.

ISSUANCE OF IMPORTATION AND EXPORTATION PERMITS

Directive No. 9 (33 F.R. 18236) is hereby rescinded, and the authority to perform all functions with respect to the issuance of narcotic drug importation and exportation permits pursuant to sections 173 and 182 of title 21, United States Code, and Part 302 of title 21, Code of Federal Regulations, is redelegated to the Chief of the Compliance Investigation Division.

ABSENCE, INABILITY OR DISQUALIFICATION OF DIRECTOR

Directive No. 11 (34 F.R. 4889) is hereby rescinded, and I direct that in the case of my inability or disqualification to act in the office of the Director, or in the event of my temporary absence, all duties and functions shall be performed by the Deputy Director, or in the event of his absence, by the Assistant Director for Enforcement.

Dated: June 16, 1969.

JOHN E. INGERSOLL,
Director.

[F.R. Doc. 69-7359; Filed, June 20, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

NOTIFICATION OF DECISION UNDER DISPUTES CLAUSE AND NOTICE OF APPEAL

Chapter 5A is amended as follows:

PART 5A–1—GENERAL

The Table of Contents of Part 5A–1 is amended to add the following new entry:

Sec.
5A–1.318 Notification to a contractor of contracting officer's decision under the Disputes clause.

Subpart 5A–1.3—General Policies

Section 5A–1.318, which reads as follows, is added to Subpart 5A–1.3, General Policies:

§ 5A–1.318 Notification to a contractor of contracting officer's decision under the Disputes clause.

(a) The adequacy of the contracting officer's decision under the Disputes clause, as required by § 1–1.318–1, and of the contents of any subsequent notice of appeal, as provided for by § 5–60.201, shall be properly ensured. Accordingly, the following paragraphs shall be set forth in all contracting officers' decisions subject to the disputes clause:

This decision is made in accordance with the disputes clause and shall be final and conclusive as provided therein, unless a written notice of appeal addressed to the Administrator of General Services is mailed or otherwise furnished to the Contracting Officer. The notice of appeal, which is to be signed by you as the contractor or by an attorney acting on your behalf, and which may be in letter form, should indicate that an appeal is intended, should refer to this decision and should identify the contract by number. The notice of appeal should include a statement of the reasons why the decision is considered to be erroneous.

In the event you desire to file an appeal from this decision, there is enclosed for your convenience GSA Form 2465, notice of appeal, in triplicate, for completion and signature. All the types of information requested must be supplied. If sufficient space is not available on this form for each item, please attach a supplemental sheet or sheets. Also attached is an additional copy of the form which should be completed and retained for your files. The notice of appeal is to be signed by the appellant personally, if an individual or, if not, by an authorized officer or duly authorized representative of the appellant organization and submitted in triplicate to the Contracting Officer.

The notice of appeal must be mailed or otherwise furnished to the Contracting Officer within 30 days from receipt of this decision or your appeal shall be considered untimely.

(b) Notice of appeal action under the above circumstances may be effected by use of GSA Form 2465, notice of appeal, as illustrated by § 5A–16.950–2465.

PART 5A–16—PROCUREMENT FORMS

The Table of Contents of Part 5A–16 is amended to revise the "Note" and add a new entry, as follows:

NOTE: Copies of the forms identified in this Part 5A–16 are filed with the original document. Copies may be obtained from General Services Administration Region 3, Office of Administration, Printing and Publications Division—3BRD, Washington, D.C. 20407.

5A–16.950–2465 GSA Form 2465, notice of appeal.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); CFR 5–1.101(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: June 12, 1969.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[F.R. Doc. 69–7244; Filed, June 20, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN: TITLE IV PARTS A AND B OF SOCIAL SECURITY ACT

Rates of Federal Financial Participation

Section 220.61(f)(2)(ii) is revised to read as follows:

§ 220.61 Federal financial participation; AFDC.

* * * * *

(f) *Rates of Federal financial participation.* * * *

(2) * * *

(ii) For the fiscal year ending June 30, 1970, at a rate, determined in accordance with standards and methods prescribed by the Secretary from time to time, which gives due regard to the amount of services furnished.

* * * * *

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

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

Dated: June 13, 1969.

JOSEPH H. MEYERS,
Acting Administrator, Social and Rehabilitation Service.

Approved: June 18, 1969.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 69–7398; Filed, June 20, 1969; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4669]

ALASKA

Modification of Public Land Order 4582

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), as amended, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4582 of January 17, 1969, withdrawing all unreserved public lands in Alaska for the determination and protection of the rights of the native Aleuts, Eskimos, and Indians of Alaska, is hereby modified to the extent necessary to permit the issuance of airport leases under the Act of May 24, 1928 (45 Stat. 728), as amended (49 U.S.C. 211–214), and issuance of airport conveyances under section 16 of the Federal Airport Act of May 13, 1946 (60 Stat. 179; 49 U.S.C. 1115).

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

JUNE 16, 1969.

[F.R. Doc. 69–7325; Filed, June 20, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Batchtown Division designated by signs as open to hunting. This open area, comprising 2,249 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all

applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from August 1 through October 15, 1969, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1969.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JUNE 16, 1969.

[F.R. Doc. 69-7326; Filed, June 20, 1969; 8:46 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Calhoun Division designated by signs as open to hunting. This open area, comprising 5,050 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from August 1 through October 15, 1969, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1969.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JUNE 16, 1969.

[F.R. Doc. 69-7327; Filed, June 20, 1969; 8:47 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Keithsburg Division designated by signs as open to hunting. This open area, comprising 1,296 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from September 1 through October 15, 1969, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1969.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JUNE 16, 1969.

[F.R. Doc. 69-7328; Filed, June 20, 1969; 8:47 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as the Big Timber Division and the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1970.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JUNE 16, 1969.

[F.R. Doc. 69-7329; Filed, June 20, 1969; 8:47 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as the Big Timber Division and that portion of the Louisa Division known as the Turkey Island area, designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1970.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JUNE 16, 1969.

[F.R. Doc. 69-7330; Filed, June 20, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 320]

DEPRESSANT AND STIMULANT DRUGS

Chlordiazepoxide and Its Salts and Diazepam; Notice of Extension of Time To File Exceptions to Tentative Order Placing These Drugs Under Control

A tentative order including findings of fact and conclusions of law which amended 21 CFR 320.3(c)(1) listing chlordiazepoxide and its salts and diazepam as drugs subject to control under the Drug Abuse Control Amendments of 1965 (Public Law 89-74, 79 Stat. 226) because of their having a potential for abuse due to their depressant effect on the central nervous system was published in the FEDERAL REGISTER of May 21, 1969 (34 F.R. 7968). This order allowed 30 days from the date of its publication for any interested person to file written exceptions to such order.

By letter of June 5, 1969, the law firm of Clifford, Warnke, Glass, McIlwain & Finney, Washington, D.C., representing Hoffmann-LaRoche, Inc., Nutley, N.J., the party of interest in this matter, submitted a motion for an extension of time within which to file written exceptions to the above tentative order. Based upon the submission in the motion that more time was needed to adequately prepare a reply and that "Grant of the additional time sought will enable Respondent to prepare its exceptions to the tentative order in a complete and self-contained document, avoiding the necessity of extensive cross references to earlier pleadings and briefs," the time for filing exceptions to the tentative order of May 21, 1969 (34 F.R. 7968), is extended an additional 60 days to August 19, 1969.

Dated: June 16, 1969.

JOHN E. INGERSOLL,
Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-7332; Filed, June 20, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Additional Standards; Measles-Smallpox Vaccine, Live

Notice is hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity, and potency for Measles-Smallpox Vaccine, Live. Attention is called to the fact that cross references herein to §§ 73.170 through 73.176 relating to the manufacture of the smallpox component of the product refer to proposed additional standards for Smallpox Vaccine which were published February 26, 1969, as a notice of proposed rule making in 34 F.R. 2610 through 2612.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Director, National Institutes of Health, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective 60 days after publication in the FEDERAL REGISTER.

1. Amend the table of contents by adding the following in numerical sequence:

ADDITIONAL STANDARDS: MEASLES-SMALLPOX VACCINE, LIVE

Sec.
73.177 The product.
73.178 Production.
73.179 Tests for safety.
73.180 Potency tests.
73.181 General requirements.
73.182 Clinical trials to qualify for license.
73.183 Equivalent methods.

2. Add the following in numerical sequence:

ADDITIONAL STANDARDS: MEASLES-SMALLPOX VACCINE, LIVE

§ 73.177 The product.

(a) *Proper name and definition.* The proper name of this product shall be Measles-Smallpox Vaccine, Live. The product shall consist of a preparation of live, attenuated measles virus combined with live vaccinia virus.

(b) *Strains of virus.* Any strain of attenuated measles seed virus used in the manufacture of this product shall meet the requirements of § 73.140(b) and any strain of vaccinia seed virus used in the manufacture of this product shall meet the requirements of § 73.170(b).

(c) *Neurovirulence of measles virus and seed strain.* The neurovirulence of the measles virus seed strain shall be tested as prescribed in, and meet the requirements of, § 73.140(c).

(d) *Reference vaccines.* Reference Measles Virus Vaccine, Live, Attenuated, and Reference Smallpox Vaccine and reconstitution fluid shall be obtained from the Division of Biologics Standards. The reference measles vaccine shall be used as a control for correlation of virus titers for the measles component of the product. The reference smallpox vaccine shall be used to determine the potency of the smallpox component of the product.

§ 73.178 Production.

The measles vaccine component of this product shall be manufactured in accordance with, and meet the requirements of, § 73.141. The smallpox vaccine component of this product shall be manufactured in accordance with, and meet the requirements of, § 73.172, and in addition, prior to any filtration or dilution, shall be tested for potency in accordance with § 73.174 and shall have a potency at least equivalent to that of the Reference Smallpox Vaccine.

§ 73.179 Tests for safety.

The measles virus component of this product shall be tested for safety as prescribed in § 73.142. The smallpox component of this product shall be tested for safety as prescribed in § 73.173(a). The product is satisfactory if the safety test results meet the requirements of §§ 73.142 and 73.173(a), respectively.

§ 73.180 Potency tests.

Each lot of Measles-Smallpox Vaccine, Live, shall be tested for potency, as follows:

(a) *Measles.* After neutralization of the vaccinia virus, each lot of the product shall be tested for, and shall meet the measles vaccine requirements of, potency prescribed in § 73.143.

(b) *Smallpox.* Each lot of the product shall be tested for potency as prescribed in § 73.174. The product is satisfactory if the vaccinia virus contained in one human dose is at least equivalent to that contained in 0.5 ml. of the Reference Smallpox Vaccine diluted 1:100.

(c) *Heated vaccine.* Samples of dried vaccine from final containers shall be taken at random and tested as prescribed in, and shall meet the potency requirements of, § 73.174(a)(6)(iv) or (b)(4)(iv).

§ 73.181 General requirements.

(a) *Sterility.* Each lot of vaccine shall be tested for, and meet the sterility requirements of, § 73.73, regardless of the source of the vaccinia virus.

(b) *Identity.* An immunological and virological identity test shall be performed either on each pool or the bulk vaccine prior to filling into final containers, or for each filling lot. If the immunological and virological identity test was performed only on the pool or bulk vaccine, a final container identity test must be performed pursuant to § 73.75.

(c) *Photochemical deterioration; protection.* Vaccine final containers shall be protected against photochemical deterioration. Such containers may be colored, or outside coloring or protective covering may be used for this purpose: *Provided,* (1) The method used is shown to provide the required protection, and (2) visible examination of the contents is not precluded.

(d) *Labeling.* In addition to the items required by other applicable labeling provisions of this part, labeling shall contain a statement that the product is intended for administration only by jet injector and a description of the method of administration.

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

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

(2) A total of no less than 120 ml. in 10 ml. volumes, in a frozen state (−60° C.), of the bulk measles component prior to clarification and containing no preservative or adjuvant, and no less than 100 ml. in 10 ml. volumes, in a frozen state (−60° C.), of the bulk measles component after clarification and containing a stabilizer but no preservative or adjuvant, taken prior to filling into final containers.

(3) A frozen 5-ml. sample of the smallpox component prior to any dilution or filtration.

(4) A frozen 5-ml. sample of the smallpox component taken subsequent to any dilution or filtration.

(5) A sample consisting of no less than the equivalent of 25 ml. of reconstituted vaccine packaged in no less than five final containers.

The product shall not be issued by the manufacturer until notification of official release of the filling lot is received from the Director, Division of Biologics Standards.

§ 73.182 Clinical trials to qualify for license.

In addition to demonstrating that the measles component meets the requirements of § 73.145, the measles and smallpox antigenicity of the final product shall have been determined by clinical trials of adequate statistical design conducted with five consecutive lots of the final vaccine manufactured by the same methods and administered as recommended by the manufacturer. Such clinical trials shall include administration of the product to measles and smallpox susceptible individuals and to persons previously immunized with smallpox vaccine. At least 95 percent of the smallpox susceptible persons shall show a primary vaccination reaction and at least 95 percent of persons previously immunized with smallpox vaccine shall show a re-vaccination reaction. At least 90 percent of the measles susceptible individuals shall demonstrate measles neutralizing antibodies at the 1:8 dilution or greater. There shall also be a demonstration of the safety of the product, by administration as recommended by the manufacturer, under circumstances wherein adequate clinical and epidemiological surveillance of illness has been maintained.

§ 73.183 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in these additional standards relating to Measles-Smallpox Vaccine, Live, 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.

§ 73.74 [Amended]

3. Amend § 73.74(a)(2) by inserting immediately after "Measles Virus Vaccine, Live, Attenuated" a comma and the words "Measles-Smallpox Vaccine Live."

(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: May 2, 1969.

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

Approved: June 17, 1969.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 69-7364; Filed, June 20, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WE-28]

ADDITIONAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate Control 1155 as that airspace extending upward from 5,000 feet MSL, within 5 miles each side of the Avenal, Calif., VORTAC 226° T (210° M) radial, including the additional airspace between lines diverging at angles of 5° from the centerline at the VORTAC, extending from the U.S. coast line to the Oakland Oceanic CTA/FIR boundary.

This action would provide an alternate access route for western Pacific air traffic to and from the Los Angeles terminal area when existing access routes are temporarily closed for national defense operations.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 17, 1969.

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

[F.R. Doc. 69-7345; Filed, June 20, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-62]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Toccoa, Ga., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attn: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. 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.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Toccoa transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Toccoa Airport.

Current criteria appropriate to Toccoa Airport requires an increase in the basic radius circle to 11.5 miles. This increase permits the revocation of the transition area extensions predicated on the 180° and 360° radials of the Toccoa VOR.

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

Issued in East Point, Ga., on June 12, 1969.

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

[F.R. Doc. 69-7346; Filed, June 20, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-37]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Midland, Tex., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. 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.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

A new public use instrument approach procedure has been developed for the Ector County Airport at Odessa, Tex., using the Midland VORTAC as the navigational aid. In addition, the criteria for designation of terminal controlled airspace has been changed. Accordingly, it is necessary to alter the Midland, Tex., transition area to provide controlled airspace protection for aircraft executing the new procedure and to comply with the new 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. 4726) the Midland, Tex., transition area 700-foot portion is amended to read:

MIDLAND, TEX.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Midland-Odessa Regional Air Terminal (Lat. 31°56'25" N., Long. 102°12'10" W.) excluding the portion within a 1.5-mile radius of Midland Airpark (Lat. 32°02'00" N., Long. 102°05'55" W.), within a 5-mile radius of Ector County Airport (Lat. 31°-55'00" N., Long. 102°23'00" W.), within 3.5 miles each side of the Midland VORTAC 011° radial extending from the 8-mile radius area to 11.5 miles north of the VORTAC excluding the portion within a 1.5-mile radius of Midland Airpark, and within 2 miles each side of the Midland ILS localizer southeast course extending from the 8-mile radius area to the INT of the Midland VORTAC 128° and the Big Spring VORTAC 212° radials.

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 Fort Worth, Tex., on June 11, 1969.

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

[F.R. Doc. 69-7347; Filed, June 20, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-56]

TRANSITION AREA

Proposed Designation and Revocation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 1,200-foot Connecticut transition area for the State of Connecticut.

To simplify the airspace structure, portions of the Bridgeport, Hartford, Conn., 1,200-foot transition areas lying within the State of Connecticut will be consolidated under a single designation of Connecticut. While some transition areas will be revoked, others will remain in effect for technical reasons, giving a dual coverage. However, in time, this duality will be terminated with the designation of more state-wide transition areas.

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

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

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

The Federal Aviation Administration, having completed a review of the airspace

requirements for the terminal areas of the State of Connecticut proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by:

(a) Deleting in the Hartford, Conn., transition area description the second paragraph describing the 1,200-foot transition area.

(b) Designating a Connecticut transition area described as follows:

CONNECTICUT

That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the State of Connecticut.

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

Issued in Jamaica, N.Y., on June 11, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-7348; Filed, June 20, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-39]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Burnet, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. 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.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

BURNET, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Burnet Municipal Airport (lat. 30°44'34" N., long. 98°14'24" W.), and within 3.5 miles each side of the 191° bearing from the Burnet RBN (lat. 30°44'35" N., long 98°14'38" W.) extending from the 5-mile radius area to 10 miles south of the RBN.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at the Burnet Municipal Airport, Burnet, Tex. The southerly extension to the proposed transition area is based on the 191° true (182° magnetic) bearing from the proposed Burnet RBN.

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 Fort Worth, Tex., on June 12, 1969.

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

[F.R. Doc. 69-7349; Filed, June 20, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[RM 364.12]

MURRAY-ALLEN

Notice of Application for Recordation of Trade Name

JUNE 11, 1969.

Application has been filed pursuant to § 11.16, Customs Regulations (19 CFR 11.16), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Murray-Allen used by Murray-Allen Imports, Inc., a New York corporation, 30 Pine Street, New Rochelle, N.Y. 10801.

The application states that the trade name is applied to confectionery, chocolates, biscuits, baked goods, jams, preserves and snack items. The application states further that no foreign person, partnership, association, or corporation is now authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20226, in time to be received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-7367; Filed, June 20, 1969; 8:50 a.m.]

Office of the Secretary

[Treasury Dept. Order No. 147-6]

ASSISTANT SECRETARY (ENFORCEMENT AND OPERATIONS)

Assignment of INTERPOL Functions

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, the Assistant Secretary (Enforcement and Operations) is hereby designated, effective immediately, to serve as the United States representative to the International Criminal Police Organization (INTERPOL). In this capacity he will deal with all questions relating to INTERPOL dues, INTERPOL functions, obligations of membership and agenda of and representation at INTERPOL conferences and General Assembly sessions.

This order modifies Treasury Department Order 147-5 of March 29, 1968.

Dated: June 5, 1969.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 69-7368; Filed, June 20, 1969; 8:50 a.m.]

[Treasury Dept. Order No. 107 (Rev. 12)]

DIRECTOR OF ADMINISTRATIVE SERVICES ET AL.

Authority To Affix Seal of Treasury Department

By virtue of the authority vested in the Secretary of the Treasury, including the authority conferred by 5 U.S.C. 301, and by virtue of the authority delegated to me by Treasury Department Order No. 190 (Revised), it is hereby ordered that:

1. Except as provided in paragraph 2, the following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U.S.C. 1733 (b):

(a) In the Office of Administrative Services:

(1) Director of Administrative Services.
(2) Chief, General Services Division.
(3) Chief, Printing and Procurement Division.
(4) Chief, Directives Control and Distribution Branch.

(b) In the Internal Revenue Service:

(1) Commissioner of Internal Revenue.
(2) Director, and Assistant Director, Collection Division.
(3) Chief, and Assistant Chief, Disclosure and Liaison Branch, Collection Division.
(4) Director, Assistant Director and Technical Advisor, Alcohol, Tobacco and Firearms Division.
(5) Chief, and Assistant Chief, Enforcement Branch, Alcohol, Tobacco and Firearms Division.
(6) Chief, and Assistant Chief, Operations-Coordination Section, Enforcement Branch, Alcohol, Tobacco and Firearms Division.

(c) In the Bureau of Customs:

(1) Commissioner of Customs.
(2) Deputy Commissioner of Customs.
(3) Assistant Commissioner of Customs (Administration).
(4) Assistant Commissioner of Customs (Investigations).
(5) Assistant Commissioner of Customs (Operations).
(6) Assistant Commissioner of Customs (Regulations and Rulings).

(d) In the Bureau of the Public Debt:

(1) Commissioner of the Public Debt.
(2) Deputy Commissioner in Charge of the Chicago Office.
(3) Assistant Deputy Commissioner in Charge of the Chicago Office.

2. Copies of documents which are to be published in the FEDERAL REGISTER may be certified only by the officers named in paragraph 1(a) of this Order.

3. The Director of Administrative Services, the Commissioner of Internal Revenue Service, and the Commissioner of the Public Debt are authorized to procure and maintain custody of the dies of the Treasury Seal.

The officers authorized in paragraph 1(c) may make use of such dies.

Dated: June 16, 1969.

[SEAL] A. E. WEATHERBEE,
Assistant Secretary for Administration.

[F.R. Doc. 69-7369; Filed, June 20, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

ALASKA, COLORADO, MONTANA, NEW MEXICO, UTAH

Definitions of Known Geologic Structures of Producing Oil and Gas Fields

Pursuant to 43 CFR 3120.2-2(b) notice is hereby given that the known geologic structures of producing oil and gas fields have been defined as follows:

NAMES OF FIELD	EFFECTIVE DATE	ACREAGE
(2) ALASKA		
Beaver Creek	Aug. 20, 1968	5,000
Nicolai Creek	Feb. 26, 1969	2,760
Sterling	Mar. 13, 1969	3,840
(5) COLORADO		
Texas Mountain	Mar. 11, 1969	4,164
(26) MONTANA		
Guinn Dome	May 9, 1969	320
(31) NEW MEXICO		
Allison-Bagley	Feb. 28, 1969	125,908
(44) UTAH		
Upper Valley	Apr. 21, 1969	3,312

Maps and diagrams showing the boundaries of the defined structures have been filed with the appropriate land office of the Bureau of Land Management and are also of record in the Geological Survey, Washington, D.C.

ARTHUR A. BAKER,
Acting Director.

JUNE 12, 1969.

[F.R. Doc. 69-7331; Filed, June 20, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

[P. & S. Docket No. 298]

SAINT JOSEPH STOCK YARDS DIVISION OF UNITED STOCKYARDS CORP.

Notice of Petitions for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on April 25, 1969, continuing in effect to and including April 30, 1970, an order issued on October 17, 1967 (26 A.D. 1081), authorizing the respondent, Saint Joseph Stock Yards Division of United Stockyards Corp., to assess the current temporary schedule of rates and charges.

By petitions filed on June 4 and June 12, 1969, the respondent requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requested that the current schedule, as so modified, be continued in effect to and including April 30, 1970.

Yardage—Item No. 1	Present rate	Proposed rate
	Per head	*Per head*
Cattle and calves over 400 lbs. (except bulls 700 lbs. or over)	$1.20	$1.32
Bulls (minimum 700 lbs.)	2.00	2.15
Cattle and calves, 400 lbs. or under	.65	.75
Hogs	.39	.45
Sheep or goats	.27	.29
Horses or mules	1.20	1.32
(b) Exceptions No change.		
(c) No change.		
Direct delivery—Item No. 2		
Cattle and calves over 400 lbs. (except bulls 700 lbs. or over)	.55	.61
Bulls (minimum 700 lbs.)	.90	.97
Cattle and calves, 400 lbs. or under	.29	.34
Hogs	.17	.20
Sheep or goats	.11	.12
Resales reweighs—Item No. 3		
(1) Cattle	.39	.43
Calves	.21	.24
Hogs	.14	.16
Sheep or goats	.08	.09
(2) Cattle	.20	.22
Calves	.11	.13
Hogs	.07	.08
Sheep or goats	.05	.06

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

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

Done at Washington, D.C., this 17th day of June 1969.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

JUNE 17, 1969.

[F.R. Doc. 69-7353; Filed, June 20, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF VIRGINIA

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

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

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

Docket No. 69-00348-01-42800. Applicant: University of Virginia, Charlottesville, Va. 22901. Article: MD4 cryostat, magnet support system, optical tail attachment and a superconducting coil. Manufacturer: The Oxford Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used for research work by students and postdoctoral personnel. The research work which is a part of the degree program is in the field of molecular spectroscopy. In this research work the article will also be used in conjunction with the Durrum-Jasco ORD/CD/UV-5 which is used to measure samples of cells with the magnetic field of the superconducting coil in the "on" position. Comments: No comments have been received with respect to this application. Decision: Application approved.

No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a custom designed and manufactured cryostat and magnet support system for a superconducting solenoid which subjects samples to a high magnetic field while they are being observed in a spectrometer. We are advised by the National Bureau of Standards (NBS) in a memorandum dated April 15, 1969, that there is no known domestic instrument or apparatus which is capable of fulfilling the purposes for which the foreign article is intended to be used.

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

[F.R. Doc. 69-7306; Filed, June 20, 1969; 8:45 a.m.]

UNIVERSITY OF TEXAS ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 69-7087, appearing at page 9462, in the issue for Tuesday, June 17, 1969, in the fifth line of the paragraph beginning "Docket No. 69-00630—33-46040", the reference to "Model EM 98" should read "Model EM 9S".

Maritime Administration

UNITED STATES LINES, INC.

Notice of Application

Notice is hereby given that United States Lines, Inc., has filed application dated April 24, 1969, as supplemented June 3, 1969, for a waiver under section 804 of the Merchant Marine Act, 1936, as amended, to charter and/or own foreign-flag containerships of approximately 3500 d.w.t. to be operated in a container feeder service, initially between London, England, and Bilbao, Spain, and eventually among other European ports which must be served through feeder vessels such as ports in Ireland and Scandinavia.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, General Accounting Office Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having an interest in this application, who desires to offer views and comments thereon for consideration by the Maritime Administration should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C., by the close of business on June 30, 1969.

The Maritime Administration will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

Dated: June 19, 1969.

By order of the Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 69-7451; Filed, June 20, 1969; 9:57 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Amdal Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill. 60064, has withdrawn its petitions (5), notice of which was published in the FEDERAL REGISTER of April 11, 1968 (33 F.R. 5635), proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use of combinations of erythromycin thiocyanate and the following coccidiostats in chicken feeds for prevention of coccidiosis, for growth promotion and feed efficiency, improvement of pigmentation, and prevention and treatment of specified conditions of chickens:

1. 3,5-Dinitrobenzamide, sulfanitran, and 3-nitro-4-hydroxyphenyl-arsonic acid.
2. Aklomide and sulfanitran.
3. Aklomide, sulfanitran, and 3-nitro-4-hydroxyphenylarsonic acid.
4. Aklomide.
5. Aklomide and 3-nitro-4-hydroxyphenylarsonic acid.

Dated: June 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7323; Filed, June 20, 1969; 8:46 a.m.]

NORWICH PHARMACAL CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Norwich Pharmacal Co., Norwich, N.Y. 13815, has withdrawn its petition (39-040V), notice of which was published in the FEDERAL REGISTER of April 17, 1968 (33 F.R. 5896), proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use of combination drugs containing buquinolate and chlortetracycline in low-calcium chicken feed:

1. As an aid in the prevention of coccidiosis caused by *E. tenella, E. maxima, E. necatrix,* and *E. acervulina;*
2. For treatment of chronic respiratory disease (air sac infection) and bluecomb (nonspecific infectious enteritis); and
3. For prevention of synovitis.

Dated: June 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7324; Filed, June 20, 1969; 8:46 a.m.]

CIVIL SERVICE COMMISSION

ECONOMIST (TRANSPORTATION)

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found on June 9, 1969, that there is a manpower shortage for the single position of Economist (Transportation) GS-110-14, Bureau of Transportation, Post Office Department, Washington, D.C. This finding will terminate when the position is filled.

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

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

[F.R. Doc. 69-7357; Filed, June 20, 1969; 8:49 a.m.]

PROGRAM SPECIALIST, PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Manpower Shortage

Under the provisions of 5 U.S.C. 5723 the Civil Service Commission found on June 9, 1969, that there is a manpower shortage for the single position of Program Specialist GS-301-14 (President's Committee on Mental Retardation), Office of the Assistant Secretary for Community and Field Services, Department of Health, Education, and Welfare, Washington, D.C. This finding will terminate when the position is filled.

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

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

[F.R. Doc. 69-7358; Filed, June 20, 1969; 8:49 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, June 25, 1969, beginning at 2 p.m. The hearing will be held in Room 603, City Hall Annex, Juniper and Filbert Streets in Philadelphia. The subject of the hearing will be proposals to amend the Comprehensive Plan so as to include therein the following projects:

1. *Pennsylvania Fish Commission.* A 117-acre impoundment on Jacksonville Branch of Ontelaunee Creek, Lehigh County, Pa. This project will be used for fishing and other recreation activities.

2. *City of Philadelphia Department of Commerce.* Enlargement of the Packer Avenue Marine Terminal adjacent to the Walt Whitman Bridge. The wharf area will be extended approximately 1,100 feet to provide additional docking space, and 20 acres of land will be developed behind a bulkhead for access and storage.

3. *City of Dover Water Department.* A well water supply project to augment public water supplies in the city of Dover, Kent County, Del. Two drilled wells will be developed that are expected to yield 1 million gallons per day each.

4. *Montgomery County Sewer Authority.* A project to extend the existing Perkiomen interceptor sewer an approximate distance of 6 miles from its present terminus to the community of Gratersford, Perkiomen Township, Montgomery County, Pa. The extension will serve intervening municipalities adjacent to Perkiomen Creek.

5. *Muhlenberg Township Authority.* A well water supply project to augment public water supplies in the Authority's service area in Muhlenberg Township, Berks, County, Pa. Existing Well No. 6 will be modified and a new Well No. 10 will be developed. The withdrawal from Well No. 6 will be increased from 375 to 500 gallons per minute, and Well No. 10 is expected to yield 75 gallons per minute.

6. *Borough of Doylestown.* A well water supply project to augment public water supplies in the Borough of Doylestown, Bucks County, Pa. Designated as Well No. 10, the new facility has a design capacity of 0.5 million gallons per day.

7. *Hatboro Borough Authority.* A well water supply project to augment public water supplies in the Authority's service area in the Borough of Hatboro and Upper Moreland and Horsham Townships, all in Montgomery County, Pa. Designated as Well No. 16, the new facility is expected to yield 0.36 million gallons per day.

8. *Western Berks Water Authority.* A regional water supply project involving

withdrawal of six million gallons daily from Tulpehocken Creek, Berks County, Pa. The withdrawal is projected to increase ultimately to 25 million gallons daily and be derived from the Blue Marsh Reservoir. New water supplies will be distributed in the Boroughs of Shillington, West Reading, Wyomissing and adjacent municipalities.

9. *Township of Voorhees.* A sewerage project to serve the Kirkwood section of Voorhees Township, Camden County, N.J. A collecting system and temporary treatment plant with capacity of 500,000 gallons per day will be constructed. Treated effluent will discharge to the Cooper River.

10. *Upper Moreland-Hatboro Joint Sewer Authority.* A project to expand the Authority's existing sewage treatment plant in Upper Moreland Township, Montgomery County, Pa. The new facility will increase capacity from 3.6 to 6.6 million gallons daily and provide 95 percent removal of BOD. Treated effluent will discharge to Pennypack Creek, a tributary of the Delaware River.

Documents relating to the above proposed additions to the Comprehensive Plan may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission, telephone (609) 883-9500.

W. B. WHITALL,
Secretary.

JUNE 13, 1969.

[F.R. Doc. 69-7360; Filed, June 20, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18538; FCC 69R-270]

STAY OF CONSTRUCTION OR OPERATION OF CATV SYSTEM IN BLOOMINGTON AND NORMAL, ILL.

Memorandum Opinion and Order Modifying Issues

In the matter of petition by TeleCable Corporation to stay construction or operation of a CATV system in Bloomington and Normal, Ill. by GT&E Communications, Inc., Docket No. 18538, File No. SR-3695-N.

1. This expedited proceeding involves the petition of TeleCable Corp. (TeleCable), which seeks to prevent the further construction or operation of CATV facilities in Bloomington and Normal, Ill., by GT&E Communications, Inc. (GT&E Com). In an Order to Show Cause, FCC 69-485, 17 FCC 2d 517, released May 6, 1969, the Commission directed the General Telephone Company of Illinois (General) and GT&E Com to show cause why they should not be ordered to cease and desist from the construction, operation and offering of CATV facilities in the communities noted above, and designated the matter for hearing.[1] The history of this proceeding is detailed in the Commission's Show Cause Order and need not be recited here. In brief, TeleCable alleges that General and GT&E Com have commenced construction of CATV facilities without first having obtained the required section 214 authority under the Commission's decision in Docket No. 17333 (see General Telephone Company of California, 13 FCC 2d 448, 13 RR 2d 667 (1968)); and that the actions of these companies have been anti-competitive, illegal in nature, and contrary to the public interest. Presently before the Review Board is a motion to amend the Order to Show Cause, filed May 16, 1969, by the Common Carrier Bureau, which seeks an amendment of the Commission's Show Cause Order: (1) To reflect the fact that GT&E Com is a wholly owned subsidiary of General Telephone and Electronics Corp. (GT&E) (in its Order, the Commission referred to GT&E Com as the wholly owned subsidiary of General); (2) to make GT&E a party respondent to this proceeding; and (3) to amend various designated issues in this proceeding to include appropriate references to the parent company, GT&E.[2]

2. The Bureau, in its motion,[3] alleges that GT&E Com is a wholly owned subsidiary of GT&E, and that majority voting control (92.08 percent) of General is also vested in GT&E. The Bureau's description of these corporate relationships has not been challenged in opposition, and, in fact, GT&E Com and General acknowledge the propriety of the Bureau's requested correction. The Order to Show Cause in this proceeding will, therefore, be modified in all appropriate portions of said Order to reflect the proper relationship of GT&E, GT&E Com and General.

3. In support of its requests for the specification of GT&E as a party respondent in this proceeding and appropriate modification of the issues herein, the Bureau submits that this proceeding is designed to determine whether the affiliated companies have, through their concerted action, sought either to undermine the Commission's Section 214 Decision, or have sought to retain, in an anticompetitive manner, complete ownership and control of the CATV distribution facilities in the subject communities. It is the Bureau's view that any investigation into these questions would not be complete without inquiry into the participation of the controlling corporation (GT&E) which, according to the Bureau, may have been responsible for the alleged acts of the respondents; and that the effectiveness of any cease and desist order which might issue herein would be dependent on its applicability to GT&E. In its comments in support of the Bureau's requests,[4] TeleCable avers that GT&E's involvement in the subject cable service goes far beyond that of a mere holding company and contends that the Commission should investigate in this hearing the extent to which the parent corporation controlled or coordinated the activities of its subsidiaries in acquiring the Bloomington and Normal CATV franchise. TeleCable submits portions of the material allegedly filed by GT&E Com before the Bloomington and Normal governing councils, which indicates that GT&E, the parent corporation, "has agreed to advance the funds necessary for the construction and operation" of GT&E Com's cable systems; and that GT&E's president was quoted as saying, "we feel that whatever type of services will someday be provided by coaxial cable networks ought to be provided by us."

4. In their opposition, General and GT&E Com argue that the Commission has no authority to proceed against GT&E in this instance and that the Bureau has failed to indicate why GT&E's presence in this proceeding is essential to the effectiveness of any cease and desist order. Respondents contend that, with the exception of section 218 of the Communications Act,[5] "there is nothing in the Communications Act which brings General Telephone and Electronics Corp. within the jurisdiction of the Commission".[6]

[1] By Memorandum Opinion and Order, FCC 69-574, — FCC 2d —, released May 28, 1969, the Commission prohibited General and GT&E Com from placing into operation any CATV distribution facilities in Bloomington of Normal, Ill., pending resolution of the issues in the instant proceeding or certification of such facilities by the Commission.

[2] Also before the Board are: (a) comments in support of motion, filed May 23, 1969 by TeleCable; (b) opposition, filed May 26, 1969 by General and GT&E Com; and (c) reply, filed May 29, 1969, by the Common Carrier Bureau.

[3] GT&E Com and General argue that the Bureau's pleading should be dismissed as an unauthorized petition for reconsideration of the Order to Show Cause. Considering the Bureau's requests, such argument is untenable and must be rejected. See Atlantic Broadcasting Co. (WUST), 5 FCC 2d 717, 8 RR 2d 991 (1966). The matter of GT&E's relationships with the parties respondent and its potential role in the ultimate resolution of this proceeding were not considered by the Commission which, apparently, did misapprehend the actual corporate relationships involved. In such circumstances, the Board may appropriately consider the Bureau's requests even though they contemplate modification of the Commission's earlier action. It should also be noted in this regard that the Bureau's motion and related pleadings are properly being considered by the Board pursuant to its delegated authority. See Florida-Georgia Television Company, Inc., 12 FCC 2d 332, released April 15, 1968.

[4] GT&E Com and General erroneously argue that TeleCable is not authorized to file responsive "comments" and that only "oppositions" are authorized by Rule 1.45. See Musical Heights, Inc., FCC 58-1094, 17 RR 1101, released November 21, 1958.

[5] Section 218 of the Communications Act authorizes the Commission to inquire into the management of the business of all carriers subject to the Act and to obtain information from persons directly or indirectly controlling or controlled by such carriers "to enable the Commission to perform the duties and carry out the objects for which it was created."

[6] Respondents also argue that the Commission erroneously assigned the burden of proof on the specified issues in this case. To the extent that the respondents petition for modification of such burden, their request is improper, as it is contained in a responsive pleading. See Charles County Broadcasting Co., Inc., FCC 63R-76, 24 RR 1153; Saul M. Miller, FCC 62R-122, 24 RR 550.

5. It is uncontested that GT&E Com is a wholly owned subsidiary of GT&E and that GT&E also possesses 92.08 percent voting control of General. As noted in the Bureau's reply, section 411(a) of the Communications Act provides, in part, that:

> * * * it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the charge, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

Considering the voting control held by GT&E in the common carrier, General, and in the subject CATV system, it is clear that GT&E would be "interested in or affected by" the disposition of the instant proceeding. Furthermore, the specified issues herein are designed, in essence, to determine whether the policies of the local telephone company and CATV system were jointly established in order to retain improperly the exclusive ownership and control of CATV distribution facilities within the communities by the telephone company. It would appear essential that the parent company, which proposes to finance the CATV facilities and which holds voting control of both the telephone and cable companies, be made part of such an inquiry; it is the parent company which may be in a position to establish, maintain and coordinate such policies. The Board, therefore, finds no procedural or substantive impediment to designating the parent company, GT&E, as a party respondent in this proceeding and to amending the specified issues herein to reflect such participation.[7]

[7] Due to its voting control, a cease and desist order may ultimately be directed against GT&E. Issue 4 in this proceeding, as modified herein, would permit the issuance of such an order against General, GT&E Com and GT&E, jointly or separately. Consistent with our action here, we will also modify that portion of the order to show cause which allocates the burden of proof under the specified issues, to reflect GT&E's participation in this proceeding.

6. *Accordingly, it is ordered*, That the motion to amend order to show cause, filed May 16, 1969, by the Common Carrier Bureau, is granted; and

7. *It is further ordered*, That the order to show cause (FCC 69-485, 17 FCC 2d 517, released May 6, 1969) in this proceeding is modified in all apropriate portions thereof to reflect the proper corporate relationship of General Telephone and Electronics Corp., GT&E Communications, Inc., and General Telephone Company of Illinois, as noted herein; and

8. *It is further ordered*, That General Telephone and Electronics Corp. is made a party to the proceeding; and

9. *It is further ordered*, That existing issues (1)(b), (2), (3), and (4) in this proceeding are modified as follows:

(1) To determine all the facts and circumstances surrounding:

(b) The relationship among GT&E Communications, Inc., General Telephone Company of Illinois, and General Telephone and Electronics Corp.;

(2) To determine whether in view of the relationship among GT&E Communications, Inc., General Telephone Company of Illinois, and General Telephone and Electronics Corp. and the evidence adduced pursuant to Issue 1 above, the proposed actions by GT&E Communications, Inc., and General Telephone Company of Illinois, are such as to require prior section 214 certification by the Commission.

(3) To determine whether the actions of General Telephone Company of Illinois, GT&E Communications, Inc., and General Telephone and Electronics Corp., vis-a-vis the TeleCable Corp., and Bloomington-Normal Perfect Picture are anticompetitive and monopolistic in nature, in contravention of the Communications Act or are otherwise contrary to the public interest.

(4) To determine whether in light of the evidence adduced pursuant to the foregoing issues, General Telephone Company of Illinois, GT&E Communications, Inc., and General Telephone and Electronics Corp., jointly or separately, should be directed to cease and desist from providing CATV facilities or services in the communities of Bloomington and Normal, Illinois; and

10. *It is further ordered*, That the order to show cause in this proceeding is modified to reflect that the burden of proof with respect to Issues 1 (b), (c), and (d) is upon respondents, GT&E Communications, Inc., General Telephone Company of Illinois, and General Telephone and Electronics Corp.; and

11. *It is further ordered*, That General Telephone and Electronics Corp. is directed to appear and give evidence with respect to the matters described above and in the order to show cause at a hearing to be held in Washington, D.C., at a time and place and before an Examiner to be specified in a subsequent order, unless the hearing is waived, in which event a written statement may be submitted within thirty (30) days of the service of this order; and

12. *It is further ordered*, That the Secretary of the Commission shall send copies of this order and the order to show cause (FCC 69-485, 17 FCC 2d 517, released May 6, 1969) in this proceeding by certified mail, return receipt requested, to General Telephone and Electronics Corp.; and

13. *It is further ordered*, That, to avail itself of the opportunity for hearing herein provided, General Telephone and Electronics Corp. shall file its appearance in accordance with § 1.91(c) of the Commission's rules.

Adopted: June 16, 1969.

Released: June 17, 1969.

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

[F.R. Doc. 69-7372; Filed, June 20, 1969; 8:50 a.m.]

* Review Board Member Berkemeyer absent.

[Canadian List 257]

CANADIAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments

JUNE 5, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		1220 kilocycles							
CKDA (PO: 1220 kc, 25 kw, DA-1—change of site and radiation pattern from that notified in List No. 240).	Victoria, British Columbia, N. 48°20'00" W., 123°14'55".	50	DA-1	U	II				6-1-70.
		1290 kilocycles							
CKQR (correction of call letters)..	Castlegar, British Columbia, N. 49°18'4.8" W., 117°36'50".	1D/0.25N	DA-D ND-N-121	U	IV	415	120	320	
		1450 kilocycles							
CHEF (PO: 1450 kc, 1 kw D/0.25 kw N, ND—this notification is for a change in daytime operation only and replaces that shown on list No. 251).	Granby, Province of Quebec, Day N. 45°19'03" W., 72°41'43". Night N. 45°24'38" W., 72°45'13".	1D/0.25N	DA-D ND-N-182	U	IV	154	120	360	6-1-70.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[SEAL]

[F.R. Doc. 69-7373; Filed, June 20, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 45]

HILTON & SON, INC.

Order of Revocation

On April 22, 1969, The St. Paul Mercury Insurance Co. notified the Federal Maritime Commission that Independent Ocean Freight Forwarder Surety Bond No. 431TB7844, underwritten in behalf of Hilton & Son, Inc., 26 Beaver Street, New York, N.Y., would be canceled at the earliest possible time.

By letter dated May 1, 1969, the Commission notified Hilton & Son, Inc., that the aforesaid bond was being terminated effective May 22, 1969, and that unless a new or reinstated surety bond was submitted prior to May 22, 1969, its Independent Ocean Freight Forwarder License No. 45 would be canceled pursuant to § 510.9, General Order 4.

Hilton & Son, Inc., has failed to submit a surety bond in compliance with the above rule.

In accordance with the authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, § 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 45 of Hilton & Son, Inc., be and is hereby revoked effective May 22, 1969.

It is further ordered, That this cancellation is without prejudice to reapplication at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Hilton & Son, Inc.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-7375; Filed, June 20, 1969; 8:50 a.m.]

"8900" LINES

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Stanley O. Sher, Esq., Bebchick, Sher & Kushnick, 919 18th Street NW., Washington, D.C. 20006

Agreement No. 8900-4, between the members of The 8900 Lines Rate Agreement, modifies Articles 1 and 2 of the basic agreement to provide for the payment of brokerage and/or compensation to forwarders agreed upon by the parties in accordance with the terms and conditions set forth in the agreement.

Dated: June 18, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-7376; Filed, June 20, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

LAND WITHDRAWN IN PROJECT NO. 71

Vacation of Power Site Withdrawal

JUNE 16, 1969.

Request has been received from the Bureau of Land Management, Department of the Interior, to verify the legal descriptions of lands listed in the Commission's Executive Secretary's October 26, 1920 letter to the Commissioner, Public Lands, Interior Department (now the Bureau of Land Management) purportedly withdrawn pursuant to the filing on October 21, 1920, of an application for preliminary permit for proposed Project No. 71. The Bureau cites as an example in the October 26 letter: sec. 14: S½, SE¼, SW¼. It is patently obvious that the S½ embraces also the SE¼ and SW¼.

The Commission's Files on Project No. 71 contain no maps or other information to serve as sources for the land descriptions listed in the October 26, 1920 letter.

Project No. 71 proposed the development of power by the diversion conduit method in the reach of the Middle Yuba River now being developed by the Yuba County Water Agency under a license for Project No. 2246. The application for Project No. 71 was withdrawn. The power values of U.S. lands in the region are protected by Power Site Reserve No. 88 and Power Site Classification No. 183, and reservations created pursuant to the filings of applications for Project Nos. 2240 and 2246.

In the above circumstances, and in an effort to clarify the public land records involved, we are vacating the entire land withdrawal made by the filing of the application in Project No. 71.

The Commission finds: The withdrawal of the lands pursuant to the application for Project No. 71 serves no useful purpose and should be vacated.

The Commission orders: The withdrawal of the lands pursuant to the filing of the application for Project No. 71 is hereby vacated in its entirety.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7314; Filed, June 20, 1969; 8:45 a.m.]

[Docket No. E-6431]

CITIZENS UTILITIES CO.

Notice of Application

JUNE 13, 1969.

Take notice that on May 12, 1969, Citizens Utilities Co. (Applicant), incorporated under the laws of the State of Delaware and qualified to do business

as a foreign corporation in the States of Arizona, Colorado, Connecticut, Idaho, Hawaii and Vermont, with its principal place of business at Stamford, Conn., filed an application in the above docket for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount and rate of transmission of electric energy which Applicant may transmit from the United States to Mexico.

By Commission order issued October 30, 1959, in the above docket (22 FPC 773), Applicant was authorized to transmit electric energy from the United States to Mexico in an amount not to exceed 25,000,000 kilowatt-hours per year at a maximum transmission rate of 5,000 kilowatts over certain facilities of Applicant covered by its Presidential Permit signed by the President of the United States on August 8, 1952, as amended by the Amendatory Permit signed by the Chairman of the Federal Power Commission on September 16, 1955, Docket No. E–6432.

Applicant now seeks to transmit electric energy in an amount not to exceed 60,000,000 kilowatt-hours annually at a rate not to exceed 12,000 kilowatts over the above-mentioned facilities located at the international border between the United States and Mexico adjacent to Nogales, Ariz., and Nogales, Sonora, Mexico, for delivery and sale, as at present, to Cia. de Servicios Publicos de Nogales, S.A., a Mexican corporation, to meet the expanding electric energy requirements of its customers in Nogales, Sonora, Mexico.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–7315; Filed, June 20, 1969; 8:45 a.m.]

[Docket No. CP69–331]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JUNE 13, 1969.

Take notice that on June 9, 1969, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69–331 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing July 13, 1969, and operation of natural gas purchase facilities which will enable Applicant to take into its certificated main pipeline system natural gas which may be purchased from independent producers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of the instant application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas coextensive with said system.

The total cost of the proposed facilities, which may include gathering lines, lateral lines, valves, metering facilities, compressor stations, and treatment facilities, will not exceed $5,000,000 and no single project will exceed a cost of $1,000,000 for any offshore facility and $750,000 for any onshore facility. Applicant requests a waiver of § 2.58(a)(2) of the Commission's rules of practice and procedure as to the cost of any single facility. Applicant will finance the proposed facilities with cash generated from operations and no new financing will be necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–7316; Filed, June 20, 1969; 8:46 a.m.]

[Project No. 2699]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for License for Constructed Project

JUNE 16, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Co. (correspondence to: J. F. Roberts, Jr., vice president, Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif. 94106) for constructed Project No. 2699, known as the Angels Project, located on Angels Creek, a tributary to the North Fork of the Stanislaus River, in Calaveras County, Calif., near the Towns of Angels and Altaville.

The existing Angels Project consists of: (1) Angels Diversion Dam—a rock wall structure 5 feet, 7 inches high and 71 feet in length and topped with an additional 1-foot-2-inch-timber wall crest; (2) Upper Angels Conduit, consisting of approximately 9,030 feet of canal, 3,220 feet of flume and 480 feet of natural water way, leading from Angels Diversion to Ross Reservoir; (3) Ross Dam—an earth-fill, masonry and rock structure with a crest length of 710 feet at elevation, 1,921.7 feet (U.S.G.S. datum), and a maximum height of 44 feet, with a concrete spillway 10 feet wide and 6.9 feet deep, located at the right abutment, and creating a reservoir with gross storage capacity of 100 acre-feet; (4) Lower Angels Conduit consisting of approximately 13,090 feet of canal, 690 feet of flume, and 1,580 feet of pipe leading from Ross Reservoir to Pipe Reservoir; (5) Pipe Dam—an earth-fill structure with a crest length of 570 feet at elevation, 1,837.7 feet (U.S.G.S. datum), and a maximum height of 12 feet and creating Pipe Reservoir (also known as Angels Forebay) with a gross storage capacity of 2 acre-feet; (6) Angels Penstock—a steel pipe 8,624 feet in length with inside diameter narrowing from 36 inches to 18 inches and leading from Pipe Reservoir to Angels Powerhouse; (7) Angels Powerhouse containing one generator rated at 1,400 kw. and (8) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a

party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7317; Filed, June 20, 1969; 8:46 a.m.]

[Docket No. RP69-35]

PANHANDLE EASTERN PIPE LINE CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

JUNE 12, 1969.

Panhandle Eastern Pipe Line Co. (Panhandle), on May 5, 1969, tendered for filing proposed changes in its presently effective FPC Gas Tariff, original volume No. 1.[1] The proposed changes would increase all jurisdictional rates for sales of natural gas for resale, resulting in an annual revenue increase of approximately $21.5 million, or 10.2 percent based upon estimated sales for the year ended February 28, 1969, as adjusted. The increased rates are proposed to become effective on June 20, 1969.

Panhandle states in support of the proposed increased rates that the filing is necessitated by, and based on increased costs which in summary include: (1) Operating and maintenance costs; (2) interest and other financial costs; (3) Federal and State income taxes, ad valorem and other taxes; and (4) costs of supplies, materials, labor, and services. The rate levels proposed are stated to be based upon historical rate design relationships underlying presently effective rates. The supporting statements include a claimed 7.5 percent rate of return allowance, and claimed allowance for Federal income taxes computed at 48 percent plus the 10 percent surtax.

In further support of the proposed increased rates, Panhandle states that it has, since 1967, installed expensive additional facilities needed: (i) To meet the increased peak day requirements of its customers; (ii) to shift the takes of gas supply from one producing area to another due to depletion of reserves in certain areas; and (iii) to provide for carbon dioxide removal from certain gas streams. It also states that increases in purchased gas costs are due to diminishing lower cost gas supplies which have been replaced with higher cost gas supplies. In support of its claimed rate of return, Panhandle asserts that its fixed charges for long-term debt have increased and that they will inevitably increase in the future as a result of retirement of lower cost debt, and the financing of normal plant additions at current debt cost levels. Included in Panhandle's claimed increased cost of senior capital is a "proposed" $20 million issue of 7.5 percent cumulative preferred stock.

Review of the rate filing indicates that certain issues are raised which require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5 months suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

Fourteen customers of Panhandle, the cities of Indianapolis, Ind., and Toledo, Ohio, have filed petitions for leave to intervene, and notices of intervention have been filed by State Corporation Commission of the State of Kansas and by Michigan Public Service Commission.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Panhandle's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed above be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing on July 1, 1969, at 10 a.m. (e.d.s.t.) in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Panhandle's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon Panhandle's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until November 20, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on July 1, 1969, Pandhandle's prepared testimony (Statement P) filed and served on May 20, 1969, together with its entire rate filing as submitted and served on May 5, 1969, be admitted to the record as Panhandle's complete case-in-chief as provided in Commission regulations § 154.63(e)(1), and Order No. 254, 28 FPC 496, subject to appropriate motions, if any, by parties to the proceeding.

(D) Following admission of Panhandle's complete case-in-chief, the parties shall present their views and the presiding examiner, in the exercise of his discretion, shall determine which issues, if any, shall be heard in the initial phase hearing; fix dates for service of staff's and interveners' evidence on such issues and service of Panhandle's rebuttal testimony; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible. The examiner shall thereafter fix dates for service of testimony and cross-examination on all issues not being heard in the first phase hearing.

(E) Chief Examiner Joseph Zwerdling, or any other designated by him for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7319; Filed, June 20, 1969; 8:46 a.m.]

[Docket No. CP69-329]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JUNE 12, 1969.

Take notice that on June 5, 1969, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), Tennessee Building, Houston, Tex. 77002, filed in Docket No. CP69-329 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities necessary to take into its main transmission system additional supplies of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities required to connect natural gas reserves in the south-half of Block 21, West Delta Block 30 Field, Offshore Louisiana, to Applicant's existing Louisiana Coastal Line in Plaquemines Parish, La. The facilities required are approximately 7.9 miles of 12-inch pipeline.

The application shows the total estimated cost of the proposed facilities to be $1,509,600, which Applicant intends to finance through revolving credit to be retired in the future by permanent financing or from general funds of the company.

[1] 30 proposed revised Tariff Sheets: Sixth Revised Sheets Nos. 24-A, 24-B, 24-C; Seventh Revised Sheets Nos. 26-F, 26-G; Eighth Revised Sheet No. 26-E; Ninth Revised Sheets Nos. 26-A, 26-B; Thirteenth Revised Sheets Nos. 5, 6, 8, 9, 11, 12, 23, 24; Fourteenth Revised Sheets Nos. 4, 7, 10, 13, 14, 16, 17, 20, 22, 29, 31; Fifteenth Revised Sheets Nos. 19, 27; Eighteenth Revised Sheet No. 30.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7318; Filed, June 20, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

BANKS AND FINANCIAL INSTITUTIONS

Capital Transfers Abroad

In accordance with Executive Order 11387 (Jan. 1, 1968, 3 CFR 1968 Comp., p. 90), the "Foreign Direct Investment Regulations" of the Secretary of Commerce (15 CFR 1000.201(b)(2)) exempt from such regulations: (1) banks and financial institutions certified by the Board of Governors as subject to its Foreign Credit Restraint Program (2) "to the extent that may be delineated from time to time by the Board". By letter of June 2, 1969, set forth below, the Board certified that certain holding companies (besides registered bank holding companies, which are covered by a previous certification) are subject to such program, and modified its delineation for exemption accordingly. (For previous certifications and delineations, see 33 F.R. 240 and 6999.)

Dated at Washington, D.C., the 29th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM

OFFICE OF THE VICE CHAIRMAN
JUNE 2, 1969.

The Honorable MAURICE H. STANS,
Secretary,
U.S. Department of Commerce,
Washington, D.C. 20230

DEAR MR. SECRETARY: In accordance with the provisions of section 1(c) of Executive Order 11387, by letter of January 2, 1968 to Secretary Trowbridge, and by letter of April 29, 1968, to Secretary Smith, the Board of Governors certified that 12 enumerated categories of banks and financial institutions are subject to the foreign credit restraint program referred to in said section 1(c).

The Board of Governors hereby expands the scope of said certification by adding a new item reading as follows:

13. Corporations whose assets consist principally of stock of institutions of the first 10 categories enumerated, in accordance with provisions of Executive Order 11387, January 1, 1968, in the letter from the Chairman of the Board of Governors to the Secretary of Commerce of January 2, 1968, as amended by letter of April 29, 1968.

In accordance with the provisions of said section 1(c), the Board of Governors delineates for exemption from the provisions of section 1 of said Executive Order all banks and financial institutions comprised within the Board's certification, as expanded hereby, with the exception of any bank or financial institution that is subject to the reporting provisions of said programs but is not reporting (or covered by reports filed by another or others on its behalf) in substantial compliance with said reporting provisions.

The foregoing certification and delineation are subject to modification or termination with respect to any category or individual bank or financial institution, in the event that (a) the foreign credit restraint programs referred to in section 1(c) of said Executive order are so modified that such category or individual bank or financial institution is no longer subject to said programs or (b) the Board of Governors determines that modification or termination of said delineation is necessary or appropriate in the public interest. Any such modification or termination will be communicated by the Board to the Secretary of Commerce.

Sincerely,

J. L. ROBERTSON.

[F.R. Doc. 69-7320; Filed, June 20, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[59-102]

NEW ENGLAND ELECTRIC SYSTEM

Notice of Filing Regarding Request for Extension of Time To Comply

JUNE 16, 1969.

Notice is hereby given that New England Electric System ("NEES"), 441 Stuart Street, Boston, Mass. 02116, a registered holding company, has requested, pursuant to section 11(c) of the Public Utility Holding Company Act of 1935 ("Act"), an additional period of 6 months from April 3, 1969, to comply with this Commission's order of March 19, 1964 (Holding Company Act Release No. 15035). The order became final upon the entry, on April 3, 1968, of a judgment of the U.S. Court of Appeals for the First Circuit affirming the order of the Commission. That order directed, pursuant to section 11(b)(1) of the Act, that NEES dispose of all interests, direct or indirect, it holds in its subsidiary gas utility companies.

NEES states that counsel has been retained to assist in the disposition of its gas utility subsidiary companies and in this connection to draft a declaration of trust for a proposed holding company. NEES asserts that it has been unable in the exercise of due diligence to comply with the divestment order within the 1 year period prescribed by section 11(c) of the Act and that pursuant to that section, a 6-month extension of such period is necessary or appropriate in the public interest or for the protection of investors or consumers.

In support of the request, it is stated that unforeseen developments occurred which prevented the disposition of the gas companies; namely, that the earnings of the eight NEES gas utility subsidiary companies were lower in 1968 and seven of such companies have filed for rate increases, which have been suspended until December 1, 1969, and that until the earnings of these companies have reached a reasonable level, disposition will be difficult; and that the future peak shaving requirements of the gas companies are quite uncertain as a result of difficulties experience by the pipeline company supplier, which situation NEES anticipates may be clarified during the coming year. NEES also refers to the fact that hearings of the proposed affiliation with Boston Edison Co. and Eastern Utilities Associates are still continuing (see Holding Company Act Release No. 16245).

Notice is further given that any interested person may, not later than July 10, 1969, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as

it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

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

[F.R. Doc. 69-7350; Filed, June 20, 1969; 8:49 a.m.]

[54-239]

PENNZOIL UNITED, INC.

Notice of Filing and Order for Hearing on Plan To Effectuate Disposition of Utility Assets

JUNE 12, 1969.

I. Notice is hereby given that Pennzoil United, Inc. ("Pennzoil United"), 900 Southwest Tower, Houston, Tex. 77002, the successor company to Pennzoil Co. ("Pennzoil"), formerly a registered holding company, has filed a Plan and amendments thereto ("Plan") with this Commission pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") for the purpose of effectuating compliance with a section 11(b)(1) order. All interested persons are referred to the Plan, which is summarized below, for a complete statement of the proposed transactions.

On February 7, 1968, pursuant to section 11(b)(1) of the Act, the Commission entered an order (Holding Company Act Release No. 15963) directing Pennzoil and its then subsidiary gas utility company, United Gas Corporation ("United"), to dispose or cause the disposition of their direct and indirect interest in all of the gas utility assets then owned by United. By order dated February 21, 1968 (Holding Company Act Release No. 19580), pursuant to section 11(e) of the Act, the Commission approved a modified plan filed by Pennzoil and United which, among other things, provided for the consolidation of Pennzoil and United to form Pennzoil United, Inc. and, following the consolidation, Pennzoil United, as corporate successor to Pennzoil and United, the disposition of the gas utility properties then held by United. Thereafter, the Commission applied to the United States District Court for the District of Delaware for an order to enforce and carry out the terms of that plan. On March 22, 1968, such an order was entered, and the plan was consummated as of April 1, 1968.

By order dated March 21, 1968 (Holding Company Act Release No. 16014), issued pursuant to section 5(d) of the Act, the Commission declared that, effective upon the date of the consolidation of Pennzoil and United, Pennzoil would cease to be a holding company and that the registration of Pennzoil as a holding company would cease to be in effect, subject, among other things, to the condition that the Commission retain jurisdiction over Pennzoil United to secure compliance with the February 7, 1968, divestment order. On February 7, 1969 (Holding Company Act Release No. 16286), the Commission extended until February 7, 1970, the time for Pennzoil United to comply with the Commission's order to dispose of its gas utility properties.

II. The principal retail gas utility assets acquired by Pennzoil United from United in the consolidation are located in Texas, Louisiana and Mississippi and are described in the Findings and Opinion of the Commission issued February 7, 1968 (Holding Company Act Release No. 15963). The smaller retail gas utility assets located in and around St. Petersburg, Fla., which were then also owned by United, were thereafter sold by Pennzoil United to a nonassociate company pursuant to an order of the Commission issued February 23, 1969 (Holding Company Act Release No. 16279). In addition, during the latter part of 1968 five Louisiana municipalities purchased the gas utility properties serving such municipalities. With the exception of the distribution gas system serving the city of Monroe, La., the remaining retail gas properties comprise the retail Gas Distribution Division of Pennzoil United and are hereinafter referred to as the "Distribution Division".

The Distribution Division consists primarily of approximately 18,000 miles of underground mains and service lines, meters, service regulators, transportation equipment, lands and structures, including service and warehousing buildings; and as of December 31, 1968, it served approximately 687,000 customers, of which 618,800 were residential, 66,700 were commercial, and 1,500 were industrial. As at December 31, 1968, the net plant of the Distribution Division was carried on the books at cost in the amount of $111,334,000.

III. Pennzoil United proposes to transfer the operating assets and current liabilities comprising its Distribution Division (excluding those applicable to the city of Monroe, La.) to a new company, United Gas, Inc., and, in exchange therefor, Pennzoil United will receive the following securities of United Gas, Inc.: (i) $62,000,000 principal amount of 6½ percent First Mortgage Bonds due 1989, (ii) $8,000,000 of 6½ percent subordinated sinking fund debentures, and (iii) 4,057,000 shares of common stock, $5 par value, comprising the total pro forma capitalization of United Gas, Inc., which as at December 31, 1968 would aggregate $104,500,000 per books and composed of 59.3 percent First Mortgage Bonds, 7.7 percent debentures, and 33 percent common stock equity. The Indentures will be qualified under the Trust Indenture Act of 1939.

The common stock of United Gas, Inc. will be offered, on a when-issued basis, by Pennzoil United pro rata to its stockholders for subscription through the exercise of rights. Such offering will be registered under the Securities Act of 1933 and may include a standby underwriting for shares of common stock not subscribed for by the exercise of the rights. Pennzoil United proposes to fix the subscription price for the common stock in the rights offering at an amount that bears a fair relationship to the earning capacity of United Gas, Inc., taking into account the price/earnings ratio of comparable securities of comparable companies and current market conditions at the time of the offering. The actual subscription price will be subject to Commission approval.

The common stock rights offering will take place on the same date as the transfer of the Distribution Division in exchange for the securities of United Gas, Inc. It is stated that upon consummation of the proposed transactions, neither Pennzoil United nor any of its subsidiary companies will have any interest, direct or indirect, in the common stock of United Gas, Inc., and that no officer or director of United Gas, Inc. will be an officer or director of Pennzoil United or any of its subsidiary companies. Pennzoil United will dispose of the First Mortgage Bonds, and debentures, subject to Commission approval, within one year from the transfer of the Distribution Division. If, Pennzoil United is unable, in the exercise of due diligence, to comply with the requirement on a reasonable basis within such time, it may request the Commission to extend such time for an additional period not exceeding one year. Pennzoil United will apply the net proceeds derived from the sale of the common stock in the rights offering and the net proceeds from the sale of the First Mortgage Bonds and debentures to reduce its indebtedness and the net capital gain (when fully determined) will be applied to the reduction of its excess acquisition cost account appearing on its balance sheet as "Cost of Investment of Stock of United over Underlying Book Value".

The Plan also states that Pennzoil United will dispose, in an appropriate manner approved by the Commission, its retail gas system serving the city of Monroe, La. Until so disposed of, Pennzoil United and United Gas, Inc. propose to enter into an operating agreement, subject to Commission approval, whereby United Gas, Inc. will operate such system for the account and at the expense of Pennzoil United. The franchise with such city, which was granted in 1947 and expires in April 1972, has resulted in substantial operating losses to United (now Pennzoil United) over the years.

Pennzoil United has requested that the Commission's Order to be entered herein recite that the carrying out of the proposed transactions is necessary or appropriate to effectuate the provisions of section 11(b) of the Act in accordance with the meaning and requirements of section 1081(f) of the Internal Revenue Code as amended.

IV. It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held

with respect to the proposed transactions; that the stockholders of Pennzoil United and other interested persons be afforded an opportunity to be heard in such hearing with respect to the Plan and related matters and that the Plan should not become effective except pursuant to further order of the Commission.

It is ordered, That a hearing be held herein on July 7, 1969 at 10:00 a.m. at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the Plan and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the Plan is fair and equitable to the persons affected thereby and effectuates compliance with the section 11(b)(1) order of February 7, 1968.

2. Whether, following effectuation of the Plan, there will be continuance of any control by Pennzoil United over United Gas, Inc. or continuance of any interlocking relationships between such companies.

3. Whether the proposed transactions meet the standards of sections 7, 10, and 12(d) of the Act.

4. Whether the fees, commissions and other expenses to be incurred are for necessary services and reasonable in amount.

5. What terms or conditions, if any, the Commission's order should contain.

6. Whether the accounting entries proposed to be made in connection with the Plan are proper and in accord with sound accounting principles.

7. Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the rules and regulations promulgated thereunder.

It is further ordered, That particular attention be directed in said hearing to the foregoing matters and questions.

It is further ordered, That any person, other than Pennzoil United desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before July 1, 1969, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Pennzoil United at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or to be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to the Federal Power Commission, the Louisiana Public Service Commission, and the Public Service Commission of Mississippi; and that notice to all other interested persons shall be given a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

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

[F.R. Doc. 69-7334; Filed, June 20, 1969; 8:47 a.m.]

[812-2538]

SOUTHWESTERN LIFE INSURANCE CO. AND ISI TRUST FUND

Notice of Filing of Application for Order of Exemption

JUNE 17, 1969.

Notice is hereby given that Southwestern Life Insurance Co. ("Southwestern"), Post Office Box 2699, Dallas, Tex. 75221, and ISI Trust Fund ("Trust Fund"), 100 California Street, San Francisco, Calif. 94120 (collectively "Applicants"), have filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act"), for an order exempting from the provisions of section 17(a) of the Act the proposed acquisition by Southwestern from Trust Fund of 440,000 shares of Southwestern capital stock in exchange for certain investment securities held by Southwestern and a cash payment, as described below. All interested persons are referred to the application on file with Commission for a statement of the representations made therein, which are summarized below.

Trust Fund, a registered open-end diversified investment company, owns 440,000 shares (5.25 percent) of the outstanding common stock of Southwestern, a Texas life insurance company. Southwestern is therefore an affiliated person of Trust Fund within the meaning of section 2(a)(3) of the Act. Applicants state that apart from this relationship there are no business dealings or affiliations between Southwestern and Trust Fund.

Section 17(a) of the Act, as here pertinent, makes it unlawful for an affiliate of a registered investment company to sell to or purchase from such investment company any security or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

By a letter agreement dated May 1, 1969, Southwestern agreed to acquire from Trust Fund its holding of 440,000 shares of Southwestern capital stock at $31 per share (a total of $13,640,000) in exchange for certain common stocks held by Southwestern and a cash payment. The price of $31 per share was the asked price of Southwestern capital stock as quoted over the counter in Dallas, Tex., on April 25, 1969. The following stocks to be transferred to Trust Fund were valued at their closing prices on the New York Stock Exchange on the same date.

Number of shares		Value at closing price Apr. 25, 1969
46,400	American Telephone & Telegraph	$2,552,000.00
16,500	Houston Lighting & Power	709,312.50
12,200	Southern California Edison	428,525.00
7,600	American Cyanamid	243,200.00
2,700	Columbia Broadcasting System	148,162.50
3,900	DuPont	565,012.50
3,700	General Electric	342,712.50
22,500	General Motors	1,794,375.00
200	International Business Machines	63,550.00
8,200	Sears, Roebuck	572,975.00
51,200	Standard Oil, New Jersey	4,128,000.00
600	Xerox	154,875.00
16,600	Chemical N.Y. Corp	1,076,925.00
10,900	Chase Manhattan Corp	861,100.00
	Total	13,634,725.00

A cash payment of $5,275 was agreed upon to make it unnecessary to transfer odd lots in the stocks. No commission will be paid in connection with the exchange.

Trust Fund initially invested in Southwestern capital stock in 1954 and made its last purchase in November 1967. Trust Fund's current holding of 440,000 shares represents 1.48 percent of its total investments taken at market value as of March 31, 1969.

Trust Fund investments historically have been made primarily in the securities of insurance companies and insurance holding companies. On August 15, 1968, Trust Fund's investors voted to change its investment policy to eliminate the requirement that a certain percentage of its assets be invested in such securities. Trust Fund management has subsequently taken steps to reduce Trust Fund's concentration in insurance stocks with the objective that over a period of time less than 25 percent of the total value of Trust Fund's assets will be represented by the securities of insurance

companies and insurance holding companies. Trust Fund states that the proposed exchange will enable it to dispose of a large block of insurance company stock that is traded only over the counter in return for readily marketable stocks of fourteen industrial and financial companies, without payment of brokerage fees that would be involved in the sale of Southwestern shares and the purchase of other securities with the proceeds.

Southwestern states that its management considers the proposed exchange to be a sound business transaction, and that after the proposed exchange is effected, Southwestern will have sufficient surplus to provide a substantial basis for future growth. No capital gains tax will be incurred by Southwestern in connection with the exchange. As required by Texas law, a public hearing has been held before the Commissioner of Insurance of the State of Texas with respect to the compliance of Southwestern with the Texas Insurance Code and all other applicable laws in connection with the proposed exchange. On June 2, 1969, the Texas Commissioner of Insurance issued an Order stating that no action was indicated apart from the granting by this Commission of the order pursuant to section 17(b) of the Act requested by Applicants herein.

Notice is further given that any interested person may, not later than July 1, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69–7333; Filed, June 20, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 18, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41664—*Roofing and building material to Port Wentworth, Ga.* Filed by Southwestern Freight Bureau, agent (No. B–48), for interested rail carriers. Rates on roofing and building material, in carloads, as described in the application, from specified points in Arkansas, Louisiana, Oklahoma, and Texas, to Port Wentworth, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 11 to Southwestern Freight Bureau, agent, tariff ICC 4791.

FSA No. 41665—*Commodity rates from and to Nadeau, Tex.* Filed by southwestern Freight Bureau, agent (No. B–52), for interested rail carriers. Rates on property moving on point-to-point commodity rates, from and to Nadeau, Tex., one the one hand, to and from points in the United States and Canada, on the other.

Grounds for relief—Rate relationship.

FSA No. 41666—*Cement from points in Colorado and Wyoming.* Filed by Western Trunk Line Committee, agent (No. A–2591), for interested rail carriers. Rates on cement and related articles, in carloads, as described in the application, from Boettcher and Medbery, Colo., and Laramie, Wyo., to points in western trunkline and southwestern territories.

Grounds for relief—Modified short-line distance formula and grouping.

Tariffs—Supplement 84 to Western Trunk Line Committee, agent, tariff ICC A–4527, and supplement 137 to Southwestern Freight Bureau, agent, tariff ICC 4587.

FSA No. 41667—*Barite (Barytes) from Arkansas and Missouri.* Filed by Southwestern Freight Bureau, agent (No. B–42), for interested rail carriers. Rates on barite (barytes), ground, not precipitated or refined by chemical process, in carloads, as described in the application, from specified points in Missouri and Arkansas, to Mexia, Tex.

Grounds for relief—Rate relationship.

Tariff—Supplement 44 to Southwestern Freight Bureau, agent, tariff ICC 4703.

FSA No. 41668—*Fertilizing compounds from Salt Lake City, Utah.* Filed by Western Trunk Line Committee, agent (No. A–2587), for interested rail carriers. Rates on fertilizing compounds (manufactured fertilizers), n.o.i.b.n., dry, in bulk in packages, or other containers, in carloads, as described in the application, from Salt Lake City, Utah, to points in official territory.

Grounds for relief—Modified short-line distance formula and grouping. Tariff—Supplement 143 to Western Trunk Line Committee, agent, tariff ICC A–4620.

FSA No. 41669—*Phosphatic fertilizer solution to points in southern territory.* Filed by Western Trunk Line Committee, agent (No. A–2588), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, from points in Colorado, Idaho, and Utah, to points in southern territory.

Grounds for relief—Modified short-line distance formula and grouping.

Tariff—Supplement 143 to Western Trunk Line Committee, agent, tariff ICC A–4620.

By the Commission.

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

[F.R. Doc. 69–7361; Filed, June 20, 1969; 8:49 a.m.]

[Notice 366]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 18, 1969.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–71468. By application filed June 16, 1969, SCHULZ, INCORPORATED, 310 Bluff St., Red Wing, Minn., seeks temporary authority to lease the operating rights of FLOYD A. DEZOTELL, doing business as DEZOTELL TRUCKING COMPANY, Post Office Box 636, Mankato, Minn. 56001, under section 210a(b). The transfer to SCHULZ, INCORPORATED, of the operating rights of FLOYD A. DEZOTELL, doing business as DEZOTELL TRUCKING COMPANY, is presently pending.

No. MC–FC–71469. By application filed June 17, 1969, MILTON TRANSPORTATION, INC., R.D. 2, Milton, Pa., seeks temporary authority to lease the operating rights of H. H. FOLLMER TRANSPORTATION, INC., Old Route 15, West Milton, Pa., under section 210a(b). The transfer to MILTON TRANSPORTATION, INC., of the operating rights of H. H. FOLLMER TRANSPORTATION, INC., is presently pending.

By the Commission.

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

[F.R. Doc. 69–7370; Filed, June 20, 1969; 8:50 a.m.]

[S.O. 994; ICC Order 25–A]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Rerouting and Diversion of Traffic

Upon further consideration of ICC Order No. 25 (Louisville and Nashville Railroad Co.) and good cause appearing therefor:

It is ordered, That: (a) ICC Order No. 25 be, and it is hereby, vacated and set aside. (b) Effective date: This order shall become effective at 4:30 p.m., June 16, 1969.

It is further ordered, That this order 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., June 16, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–7362; Filed, June 20, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 48, Amdt. 2]

SOUTHERN PACIFIC CO. AND MISSOURI-KANSAS-TEXAS RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 48, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 48 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., July 13, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 22, 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., June 18, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69–7363; Filed, June 20, 1969; 8:49 a.m.]

[Notice 365]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 20, 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–71375. By order of June 11, 1969, the Motor Carrier Board approved the transfer to Lincoln Bus Lines, Inc., Hanover, Pa., of certificates in Nos. MC–105704, MC–105704 (Sub-No. 2), MC–105704 (Sub-No. 3), and MC–105704 (Sub-No. 4), issued December 9, 1948, January 4, 1956, July 4, 1958 and March 20, 1961, respectively, to N. Dale Lightner, doing business as Lincoln Bus Lines, Hanover, Pa.; authorizing the transportation of: Passengers, between York, Pa., and Frederick, Md., and passengers in special or charter operations, from points in York County, Pa., to points in the United States including Alaska. Norman T. Petow, 43 North Duke Street, York, Pa. 17401, attorney for applicants.

No. MC–FC–71378. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Clayton Ross, doing business as Ross Trucking, Amherst, S. Dak. 57421, of the operating rights in certificate Nos. MC–125489 and MC–125489 (Sub-No. 2) issued August 24, 1964, and December 22, 1967, respectively, to Robert Pashen, 211 East 1st Street, Morris, Minn. 56560, authorizing the transportation of fertilizer, in bags, from Savage, Minn., and points in Scott County, Minn., within 10 miles thereof, to Britton, Hecla, and Claremont, S. Dak., including farm sites located within a 10-mile radius thereof, and from Minneapolis, St. Paul, Inver Grove Heights, Pine Bend, Savage, and Valley Park, Minn., to points in Brown, Day, Marshall, and Roberts Counties, S. Dak.

No. MC–FC–71398. By order of June 11, 1969, the Motor Carrier Board approved the transfer to Harrison Transfer & Storage Co., a corporation, Augusta, Ga., of certificate No. MC–30821 issued December 2, 1941, to R. O. Harrison, doing business as Harrison Transfer Co., Augusta, Ga., authorizing the transportation of household goods between Augusta, Ga., and points within 100 miles of Augusta, on the one hand, and, on the other, points in South Carolina, North Carolina, and Tennessee. James E. Slaton, Suite 307, Southern Finance Building, Augusta, Ga. 30902, attorney for applicants.

No. MC–FC–71403. By order of June 9, 1969, the Motor Carrier Board approved the transfer to William T. Collins, doing business as Chatterton's Express, Attleboro, Mass., of the certificate in No. MC–29751, issued July 19, 1960, to Basil A. Chatterton, doing business as Chatterton's Express, Attleboro, Mass., authorizing the transportation of general commodities with exceptions, over regular routes, between Attleboro, Mass., Providence, R.I., serving named intermediate and off-route points; between Attleboro, Mass., and Norton, Mass., serving named off-route points; and between Attleboro, Mass., and Plainville, Mass., serving the intermediate point of North Attleboro, Mass. Herbert F. Patriquin, 190 Chauncy Street, Mansfield, Mass. 02048, attorney for applicants.

No. MC–FC–71404. By order of June 11, 1969, the Motor Carrier Board approved the transfer to Rowe Cambridge Motor Transportation, Inc., Tyrone, Pa., of the permits in Nos. MC–93151, MC–93151 (Sub-No. 3), MC–93151 (Sub-No. 4), MC–93151 (Sub-No. 5), MC–93151 (Sub-No. 6) and MC–93151 (Sub-No. 7), issued June 18, 1942, February 8, 1960, February 5, 1965, November 1, 1968, November 1, 1968 and April 7, 1969, respectively, to Rowe Cambridge, Tyrone, Pa., authorizing the transportation of numerous specified commodities from to and between points and areas in the States of Pennsylvania, Maryland, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware North Carolina, and South Carolina, Ohio, New Hampshire, Vermont, Kentucky, Virginia, West Virginia and the District of Columbia. V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109, attorney for applicants.

No. MC–FC–71407. By order of June 12, 1969, the Motor Carrier Board approved the transfer to Gilman Express Co., Inc., 37 Medford Street, Somerville, Mass. 02143 of certificate of registration No. MC–71487 issued January 10, 1964, to Earl E. Mokler, doing business as Gilman Express, 37 Medford Street, Somerville, Mass. 02143, evidencing a right to engage in interstate or foreign commerce solely within the State of Massachusetts.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–7286; Filed, June 19, 1969; 8:47 a.m.]

[Notice 366]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 17, 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–71336. By order of May 29, 1969, the Motor Carrier Board approved

the transfer to Braun's Express, Inc., Medway, Mass., of certificate No. MC-8713, issued February 3, 1969, to Joseph L. Braun, doing business as Braun's Express, Medway, Mass., authorizing the transportation of: General Commodities, excluding household goods, commodities in bulk, and other specified commodities; between Boston, Mass., and Bellingham, Mass., serving all intermediate points and certain off-route points. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-71340. By order of May 29, 1969, the Motor Carrier Board approved the transfer to Alvin Graham and Rodney Askin, a partnership, doing business as Baker Trucking Service, 16 South Second West, Baker, Mont. 59313, of the operating rights in certificate No. MC-98971 (Sub-No. 1) issued December 31, 1958, to Donna Ione Jacobs, doing business as Jacobs Trucking Service, 16 South Second West, Baker, Mont. 59313, authorizing the transportation, over a specified regular route of general commodities, except those of unusual value classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment, between Miles City, Mont., and Marmarth, N. Dak., serving all intermediate points, with certain restrictions.

No. MC-FC-71366. By order of May 27, 1969, the Motor Carrier Board approved the transfer to Jordan Sand and Gravel Co., Inc., Sedalia, Mo., of certificate No. MC-127944 issued May 19, 1967, to Ronald L. Alexander, El Dorado Springs, Mo., authorizing the transportation of blacktop, lime (except lime from the Kansas City, Mo.-Kansas City, Kans., commercial zone as defined by the Commission), sand, crushed rock (filter rock), and gravel, between specified points in Kansas, Oklahoma, Arkansas, and Missouri. Ray N. Fowler, 120 North Main, El Dorado Springs, Mo. 64744, attorney for applicants.

No. MC-FC-71387. By order of May 29, 1969, the Motor Carrier Board approved the transfer to West End Transfer, Inc., Bluefield, W. Va., of the certificate in No. MC-113298, issued November 18, 1952, to Jack Ritchie, doing business as Jack's Transfer, Oceana, W. Va., authorizing the transportation of household goods between Oceana, W. Va., and points within 10 miles thereof in Wyoming County, W. Va., on the one hand, and, on the other, points in Ohio, Pennsylvania, Maryland, Virginia, North Carolina, Tennessee, Kentucky, and the District of Columbia. Robert W. Hensley, Suite 301, Coal & Coke Building, Bluefield, W. Va. 24701, attorney for applicants.

No. MC-FC-71392. By order of May 29, 1969, the Motor Carrier Board approved the transfer to Turner Auto Transport, Inc., North Kansas City, Mo., of the certificates in No. MC-115357 and MC-115357 (Sub-No. 6), issued August 23, 1955, and March 18, 1969, respectively, to George Willard Turner, doing business as Turner Auto Transport, North Kansas City, Mo., authorizing the transportation of new and used autos, in secondary movements, between Kansas City, Mo., on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Nebraska, Oklahoma, and Texas. Sherman L. Gibson, 1700 Traders National Bank Building, 1125 Grand Avenue, Kansas City, Mo. 64106, attorney for applicants.

No. MC-FC-71395. By order of May 29, 1969, the Motor Carrier Board approved the transfer to Webb Delivery Service, Inc., Orange, Calif., of the certificate of registration in No. MC-96872 (Sub-No. 1) issued November 4, 1963, to Phillip L. Webb, doing business as Webb's Delivery Service, Orange, Calif., evidencing a right to engage in transportation in interstate commerce corresponding in scope to the authority granted by the California Public Utilities Commission in decision No. 54320 dated December 27, 1956. Lester L. Carden, Jr., Esq., Carden & Gray, 914 West Lincoln Avenue, Anaheim, Calif. 92805, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7277; Filed, June 19, 1969; 8:46 a.m.]

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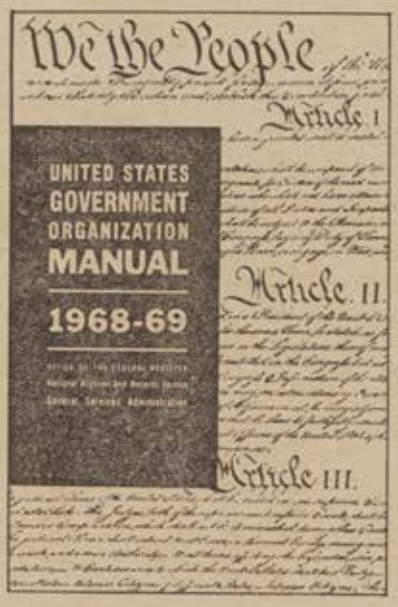

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