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Pages 11077–11130

NOTICE

New Location of Federal Register Office.

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Agencies in this issue—

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FEDERAL REGISTER

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

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CFR CHECKLIST

1969 Issuances

This checklist prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1969. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (as of Jan. 1, 1969):		Price
3	1936–1938 Compilation	$6.00
	1968 Compilation	.75
4	(Rev.)	.50
7	Parts:	
	0–45 (Rev.)	2.50
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	1030–1059 (Rev.)	1.25
	1060–1089 (Rev.)	1.25
	1090–1119 (Rev.)	1.25
	1120–1199 (Rev.)	1.25
	1200–1499 (Rev.)	2.50
	1500–end (Rev.)	1.50
8	(Rev.)	1.00
10	(Rev.)	1.50
11	[Reserved]	
12	Parts:	
	1–299 (Rev.)	2.00
	300–end (Rev.)	2.00
13	(Rev.)	1.25
14	Parts:	
	1–59 (Rev.)	2.75
	60–199 (Rev.)	2.50
15	(Rev.)	2.00
16	Parts:	
	0–149 (Rev.)	2.75
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18	(Rev.)	4.00
20	(Rev.)	3.50
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24	(Rev.)	2.00
25	(Rev.)	1.75
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	1 (§§ 1.641–1.850) (Rev.)	1.50
	2–29 (Rev.)	1.25
	30–39 (Rev.)	1.25
	40–169 (Rev.)	$2.50
	300–499 (Rev.)	1.25
	500–599 (Rev.)	1.50
	600–end (Rev.)	.65
27	(Rev.)	.45
28	(Rev.)	1.00
29	Parts:	
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	500–899 (Rev.)	3.00
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Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 20843), April 15, 1967 (32 F.R. 6021), August 26, 1967 (32 F.R. 12441), September 29, 1967 (32 F.R. 13650), February 9, 1968 (33 F.R. 2756), March 7, 1968 (33 F.R. 4248), July 13, 1968 (33 F.R. 10085), July 31, 1968 (33 F.R. 10839), August 15, 1968 (33 F.R. 11587), September 25, 1968 (33 F.R. 14399), November 8, 1968 (33 F.R. 16382), December 14, 1968 (33 F.R. 18573), February 1, 1969 (34 F.R. 1586), and June 3, 1969 (34 F.R. 8697), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Stapleton International Airport (served from Arvada, Colo.).

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this instruction effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

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

Done at Hyattsville, Md., this 25th day of June 1969.

R. E. OMOHUNDRO,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-7726; Filed, June 30, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 7]

PART 722—COTTON

Subpart—Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton

1969 RATES OF PENALTY

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to establish the 1969 rates of penalty for excess upland cotton and extra long staple cotton.

It is essential that the penalty rates be made available to producers and cotton buyers as soon as possible. Establishment of such rates involves a mathematical computation in accordance with the statutory formula. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.100 of the regulations for Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton (31 F.R. 6573, 9445, 13035, 15791, 32 F.R. 9298, 33 F.R. 6701, and 9387) is amended by adding the following new paragraph (d) at the end thereof:

§ 722.100 Penalty rate for each crop year.

* * * * *

(d) *1969 crop*—(1) *Upland cotton.* The parity price for upland cotton effective as of June 15, 1969, is 47.80 cents per pound. The rate of penalty for upland cotton produced in 1969 as calculated on the basis of 50 percent of such parity price in accordance with § 722.79 shall be 23.9 cents per pound of upland lint cotton.

(2) *Extra long staple cotton.* The parity price for ELS cotton, effective as of June 15, 1969, is 77 cents per pound. The rate of penalty for ELS cotton produced in 1969 as calculated on the basis of 50 percent of such parity price shall be 38.5 cents per pound of ELS lint cotton.

(Secs. 346, 347, 375, 63 Stat. 674, as amended, 53 Stat. 675, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1346, 1347, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 25, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-7749; Filed, June 30, 1969; 8:49 a.m.]

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

[Grapefruit Reg. 67, Amdt. 5]

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

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; this amendment relieves restrictions on the handling of grapefruit (grown in Regulation Area I) during the period June 27, through July 6, 1969, and on the handling of all Florida grapefruit during the period July 7, through September 14, 1969.

Order. In § 905.506 (Grapefruit Reg. 67, 33 F.R. 14066, 14169, 17893, 18429, 34 F.R. 7897), paragraph (a) is deleted and a new paragraph (a) is substituted in lieu thereof to read as follows:

§ 905.506 Grapefruit Regulation 67.

(a) *Order.* (1) During the period June 27, through July 6, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1 Golden;

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

(iii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Grapefruit; or

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

(2) During the period July 7, through September 14, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{7}{16}$ inches in diameter except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Grapefruit.

* * * * *

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

Dated June 26, 1969, to become effective June 27, 1969.

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

[F.R. Doc. 69-7750; Filed, June 30, 1969; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Miscellaneous Interpretations

§ 226.605 Rate charts and tables unavailable.

(a) Subject to certain conditions, § 226.6(f) of Regulation Z permits a creditor to use an estimate or approximation of information when the information is "unknown or not available to the creditor, and the creditor has made a reasonable effort to ascertain it."

(b) It appears that some creditors who require special charts or tables in order to operate with necessary efficiency in compliance with Regulation Z, and who have placed orders for such charts or tables with suppliers of them, may be unable to obtain such charts or tables by July 1, 1969, the effective date of Regulation Z.

(c) In the circumstances indicated, when the necessary charts or tables have been ordered prior to July 1, 1969, and are temporarily unavailable to a creditor who has thus made a reasonable effort to obtain them, § 226.6(f) permits the creditor to use an estimate or approximation of the annual percentage rate and other information during the interim until they become available, subject, of course, to the other requirements of that paragraph.

(Interprets and applies 15 U.S.C. 1631.)

§ 226.810 Disclosures—variable interest rates.

(a) In some cases a note, contract, or other instrument evidencing an obligation provides for prospective changes in the annual percentage rate or otherwise provides for prospective variation in the rate. The question arises as to what disclosures must be made under these circumstances when it is not known at the time of consummation of the transaction whether such change will occur or the date or amount of change.

(b) In such cases, the creditor shall make all disclosures on the basis of the rate in effect at the time of consummation of the transaction and shall also disclose the variable feature.

(c) If disclosure is made prior to the consummation of the transaction that the annual percentage rate is prospectively subject to change, the conditions under which such rate may be changed, and, if applicable, the maximum and minimum limits of such rate stipulated in the note, contract, or other instrument evidencing the obligation, such subsequent change in the annual percentage rate in accordance with the foregoing disclosures is a subsequent occurrence under § 226.6(g) and is not a new transaction.

(Interprets and applies 15 U.S.C. 1634.)

§ 226.903 Refinancing and increasing—disclosures and effects on the right of rescission.

(a) In some cases the creditor of an obligation will refinance that obligation at the request of a customer by permitting the customer to execute a new note, contract, or other document evidencing the transaction under the terms of which one or more of the original credit terms, including the maturity date of the obligation, is changed. Although such refinancing constitutes a new transaction, and all disclosures required under § 226.8 must be made, the question arises as to whether that transaction is subject to the right of rescission under § 226.9 where the obligation is already secured by a lien on real property which is used or expected to be used as the principal residence of that customer.

(b) If the amount of such new transaction does not exceed the amount of the unpaid balance plus any accrued and unpaid finance charge on the existing obligation, § 226.9 does not apply to the transaction.

(c) If, however, the amount of such new transaction is for an increased amount, that is for an amount in excess of the amount of the unpaid balance plus any accrued and unpaid finance charge on the existing obligation, § 226.9 applies to the transaction. However, such right of rescission applies only to such excess and does not affect the existing obligation (or related security interest) for the unpaid balance plus accrued and unpaid finance charge.

(d) The provisions of paragraph (b) of this section and the second sentence of paragraph (c) of this section do not apply in the event that the obligation is refinanced by a creditor other than the creditor of the existing obligation.

(Interprets and applies 15 U.S.C. 1635)

Dated at Washington, D.C., the 20th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7713; Filed, June 30, 1969; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Pay Differentials for Irregular or Intermittent Hazardous Duty

Appendix A to Subpart I of Part 550 is amended by revising and consolidating the two previous schedules of irregular or intermittent duties for which hazard differential is authorized into one schedule. The consolidation results from the amendment of § 550.904 effective December 10, 1958, making only one schedule necessary. This amendment is effective on the first day of the first pay period beginning after July 1, 1969.

APPENDIX A

SCHEDULE OF PAY DIFFERENTIALS AUTHORIZED FOR IRREGULAR OR INTERMITTENT HAZARDOUS DUTY UNDER SUBPART I

HAZARD PAY DIFFERENTIAL, OF PART 550 PAY ADMINISTRATION (GENERAL)

Irregular or intermittent duty	Rate of hazard pay differential	Effective date
Exposure to Hazardous Weather or Terrain:		
(1) *Work in rough and remote terrain.* When working on cliffs, narrow ledges, or near vertical mountainous slopes where a loss of footing would result in serious injury or death, or when working in areas where there is danger of rock falls or avalanches.	25%	First pay period beginning after July 1, 1969.
(2) *Traveling under hazardous conditions.* (a) When travel over secondary or unimproved roads to isolated mountain top installations is required at night, or under adverse weather conditions (such as snow, rain, or fog) which limits visibility to less than 100 feet, when there is danger of rock, mud, or snow slides.	25%	Do.
(b) When travel in the wintertime, either on foot or by means of vehicle, over secondary or unimproved roads or snow trails, in sparsely settled or isolated areas to isolated installations is required when there is danger of avalanches, or during "whiteout" phenomenon which limits visibility to less than 10 feet.	25%	Do.
(c) When work or travel in sparsely settled or isolated areas results in exposure to temperatures and/or wind velocity shown to be of considerable danger, or very great danger, on the windchill chart (Appendix A-1), and shelter (other than temporary shelter) or assistance is not readily available.	25%	Do.
(3) *Snow or ice removal operations.* When participating in snowplowing or snow or ice removal operations, regardless of whether on primary, secondary or other class of roads, when (a) there is danger of avalanche, or (b) there is danger of missing the road and falling down steep mountainous slopes because of lack of snow stakes, "white-out" conditions, or sloping ice-pack covering the snow.	25%	Do.
(4) *Water search and rescue operations.* Participating as a member of a water search and rescue team in adverse weather conditions when winds are blowing at 35 m.p.h. (classified as gale winds) or in water search and rescue operations conducted at night.	25%	Do.
(5) *Travel on Lake Pontchartrain.* (a) When embarking, disembarking or traveling in small craft (boat) on Lake Pontchartrain when wind direction is from north, northeast, or northwest, and wind velocity is over 15 knots; or	25%	Do.
(b) When travelling in small crafts, where craft is not radar equipped, on Lake Pontchartrain is necessary due to emergency or unavoidable conditions and the trip is made in a dense fog under fog run procedures.	25%	Do.

APPENDIX A—Continued

Irregular or intermittent duty	Rate of hazard pay differential	Effective date
Exposure to Physiological Hazards: (1) *Pressure chamber subjects.* Participating as a subject in diving research tests which seek to establish limits for safe pressure profiles by working in a pressure chamber simulating diving or, as an observer to the test or as a technician assembling underwater mock-up components for the test, when the observer or technician is exposed to high pressure gas piping systems, gas cylinders, and pumping devices which are susceptible to explosive ruptures.	25%	First pay period beginning after July 1, 1969.
(2) *Simulated altitude chamber subjects/Observers.* Participating in simulated altitude studies ranging from 18,000 to 150,000 feet either as subject or as observer exposed to the same conditions as the subject.	25%	Do.
(3) *Centrifuge subjects.* Participating as subject in centrifuge studies involving elevated G forces above the level of 5 G's whether or not at reduced atmospheric pressure.	25%	Do.
(4) *Rotational flight simulator subject.* Participating as a subject in a Rotational Flight Simulator in studies involving continuous rotation in one axis through 360° or in a combination of any axes through 360° at rotation rates greater than 15 r.p.m. for periods exceeding three minutes.	25%	Do.
Exposure to Hazardous Agents, work with or in close proximity to: (1) *Explosive or incendiary materials.* Explosive or incendiary materials which are unstable and highly sensitive.	25%	Do.
(2) *At-sea shock and vibration tests.* Arming explosive charges and/or working with, or in close proximity to, explosive armed charges in connection with at-sea shock and vibration tests of naval vessels, machinery, equipment and supplies.	25%	Do.
(3) *Toxic chemical materials.* Toxic chemical materials when there is a possibility of leakage or spillage.	25%	Do.
(4) *Fire retardant materials tests.* Conducting tests on fire retardant materials when the tests are performed in ventilation restricted rooms where the atmosphere is continuously contaminated by obnoxious odors and smoke which causes irritation to the eyes and respiratory tract.	25%	Do.
(5) *Virulent biologicals.* Materials of micro-organic nature which when introduced into the body are likely to cause serious disease or fatality and for which protective devices do not afford complete protection.	25%	Do.
Participating in Liquid Missile Propulsion Tests and Certain Solid Propulsion Operations: (1) *Tanking and detanking.* Tanking or detanking operations of a missile or the test stand "run" bottles with liquid propellants.	25%	Do.
(2) *Hoisting a tanked missile.* Hoisting a tanked missile or a solid propellant propulsion system into and/or over the test stand.	25%	Do.
(3) *Pressure tests.* Pressure tests on loaded missiles, missile tanks, or run bottles during prefire preparations.	25%	Do.
(4) *Test stand tests.* Test stand operations on loaded missiles under environmental conditions where the high or low temperatures could cause a failure of a critical component.	25%	Do.
(5) *Disassembly and breakdown.* Disassembly and breakdown of a contaminated missile system or test stand plumbing after test.	25%	Do.
(6) *"Go" condition test stand work.* Working on any test stand above the 50-foot level or any stand work while the system is in a "go" condition.	25%	Do.
(7) *Arming and disarming propulsion systems.* Arming, disarming or the installation and/or removal of any squib, explosive device, or a component thereof connected to, or part of, any live or potentially expended liquid or solid propulsion system.	25%	Do.
(8) *Demolition and destruct tests.* Demolition, hazards classification, or destruct type tests where the specimen is nonstandard and/or unproven and the test techniques do not conform to standard or proven procedures.	25%	Do.
Work in Fuel Storage Tanks: When inspecting, cleaning or repairing fuel storage tanks where there is no ready access to an exit, under conditions requiring a breathing apparatus because all or part of the oxygen in the atmosphere has been displaced by toxic vapors or gas, and failure of the breathing apparatus would result in serious injury or death within the time required to leave the tank.	25%	Do.
Firefighting: (1) *Forest and range fires.* Participating as a member of a firefighting crew in fighting forest and range fires on the fireline.	25%	Do.
(2) *Equipment, installation, or building fires.* Participating as an emergency member of a firefighting crew in fighting fires of equipment, installations, or buildings.	25%	Do.
(3) *In-water under-pier firefighting operations.* Participating in in-water under-pier firefighting operations (involving hazards beyond those normally encountered in firefighting on land, e.g., strong currents, cold water temperature, etc.).	25%	Do.
Work in Open Trenches: Work in an open trench 15 feet or more deep until proper shoring has been installed.	25%	Do.

APPENDIX A—Continued

Irregular or intermittent duty	Rate of hazard pay differential	Effective date
Underground Work: Work underground performed in the construction of tunnels and shafts, and the inspection of such underground construction, until the necessary lining of the shaft or tunnel has eliminated the hazard.	25%	First pay period beginning after July 1, 1969.
Underwater Duty: (1) *Submerged submarine or deep research vehicle.* Duty aboard a submarine or deep research vehicle when it submerges.	25%	Do.
(2) *Diving.* Diving, including SCUBA (self-contained underwater breathing apparatus) diving, required in scientific and engineering pursuits, or search and rescue operations, when: (a) at a depth of 30 feet or more below the surface; or, (b) visibility is restricted; or, (c) in rapidly flowing or cold water; or, (d) vertical access to the surface is restricted by ice, rock, or other structure; or, (e) testing or working with hardware which presents special hazards (such as work with high voltage equipment or work with underwater mockup components in an underwater space simulation study).	25%	Do.
Sea Duty Aboard Deep Research Vessels: Participating in sea duty wherein the team member is engaged in handling equipment on or over the side of the vessel when the sea-state is high (12-knot winds and 8-foot waves) and the work is done on deck in relatively unprotected areas.	25%	Do.
Collection of Aircraft Approach and Landing Environmental Data: When operating or monitoring camera equipment adjacent to flight deck in the area of maximum hazard during landing sequence while conducting photographic surveys aboard aircraft carriers during periods of heavy aircraft operations.	25%	Do.
Experimental Landing/Recovery Equipment Tests: Participating in tests of experimental or prototype landing and recovery equipment where personnel are required to serve as test subjects in spacecraft being dropped into the sea or laboratory tanks.	25%	Do.
Land Impact or Pad Abort of Space Vehicle: Actual participation in dearming and safing explosive ordinance, toxic propellant and high pressure vessels on vehicles that have land impacted or on vehicles on the launch pad that have reached a point in the countdown where no remote means are available for returning the vehicle to a safe condition.	25%	Do.
Height Work: Working on any structure of at least 50 feet above the base level, ground, deck, floor, roof, etc., under open conditions, if the structure is unstable or if scaffolding guards or other suitable protective facilities are not used, or if performed under adverse conditions such as snow, sleet, ice on walking surfaces, darkness, lightning, steady rain, or high wind velocity.	25%	Do.
Flying, participating in: (1) *Pilot proficiency training.* Flights for pilot proficiency training in aircraft new to the pilot under simulated emergency conditions which parallel conditions encountered in performing flight tests.	25%	Do.
(2) *Delivery of new aircraft for flight testing.* Flights to deliver aircraft which has been prepared for one-time flight without being test flown prior to delivery flight.	25%	Do.
(3) *Test flights of new modified, or repaired aircraft.* Test flights of a new or repaired aircraft or modified aircraft when the modification may affect the flight characteristics of the aircraft.	25%	Do.
(4) *Reduced gravity—parabolic arc flights—subjects/observers.* Reduced gravity flight testing in an aircraft flying a parabolic flight path and providing a testing environment ranging from weightlessness up through +2 gravity conditions.	25%	Do.
(5) *Launch and recovery.* Test flights involving launch and recovery aboard an aircraft carrier.	25%	Do.
(6) *Limited control flights.* Flights undertaken under unusual and adverse conditions (such as extreme weather, maximum load or overload, limited visibility, extreme turbulence, or low level flights involving fixed or tactical patterns) which threaten or severely limit control of the aircraft.	25%	Do.
(7) *Flight tests of expendable aircraft tires.* Landing to test aircraft tires designed to deflate upon retraction, undertaken to appraise the normal deflate-reinflate cycle and also to evaluate the capability to make a satisfactory landing with the tires deflated.	25%	Do.
(8) *Landing and taking-off in polar areas.* Landing in polar areas on unprepared snow or ice surfaces and/or taking-off under the same conditions.	25%	Do.
Experimental Parachute Jumps: Participating as a jumper in field exercises to test and evaluate new types of jumping equipment and/or jumping techniques.	25%	Do.
Ground Work Beneath Hovering Helicopter: Participating in ground operations to attach external load to helicopter hovering just overhead.	25%	Do.

(5 U.S.C. 5595, E.O. 11257; 3 CFR 1964–1965 Comp., p. 357)

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

[F.R. Doc. 69-7780; Filed, June 30, 1969; 8:51 am.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SO-51]

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 Auburn, Ala., transition area.

The Auburn transition area is described in § 71.181 (34 F.R. 4637). In the description, an extension is predicated on the Tuskegee, Ala., VOR 056° radial to provide controlled airspace protection for aircraft executing the VOR-1 instrument approach procedure. A new prescribed instrument approach procedure to Auburn-Opelika Airport, utilizing the Columbus, Ga., VOR 270° radial, is to become effective August 21, 1969. Concurrently, the existing VOR-1 instrument approach procedure will be canceled. It is necessary to alter the transition area description to provide required controlled airspace protection for IFR aircraft executing the new VOR RWY 28 instrument approach procedure, and revoke the extension predicated on the Tuskegee, Ala., VOR 056° radial.

Since this amendment is less restrictive in nature and lessens the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

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

AUBURN, ALA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Auburn-Opelika Airport (lat. 32°36'55" N., long. 85°26'10" W.); within 2.5 miles each side of Columbus, Ga., VOR 270° radial, extending from the 5-mile radius area to 17.5 miles west of the VOR.

(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 19, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-7688; Filed, June 30, 1969; 8:45 a.m.]

[Airspace Docket No. 69-SO-42]

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

Designation of Transition Area

On May 13, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7616), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Mount Pleasant, Tenn., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat. 35°-33'15" N., long. 87°10'50" W.) for Maury County Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

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

MOUNT PLEASANT, TENN.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Maury County Airport (lat. 35°-33'15" N, long. 87°10'50" W.); within 9.5 miles southeast and 4.5 miles northwest of the 060° and 227° bearings from Maury County RBN (lat. 35°33'20" N., long. 87°10'-57" W.), extending from the 9.5-mile radius area to 18.5 miles northeast and southwest of the RBN.

(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 19, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-7689; Filed, June 30, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-584, Amdt. 7]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of June 1969.

On May 12, 1969, by notice of rule making EDR-163 (34 F.R. 7707), the Board proposed to amend Part 288 of the economic regulations by setting new minimum rates for Logair and Quicktrans domestic military cargo charters. Written data, views, and arguments have been filed in response to the notice by Overseas National Airways, Inc., Universal Airlines, Inc., and the Department of Defense.[1] All comments and supporting materials before the Board have been carefully considered, and all contentions not otherwise disposed of herein are rejected.

Upon consideration of the comments the Board has determined to establish as the fair and reasonable minimum rates the rates listed as adopted in the following table, which also sets forth the current minimum rates and the minimum rates proposed in the notice:

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quicktrans	
Current minimum rates			
C-46	$0.8645	$0.8305	$50
AW-650	1.2654	1.3124	100
DC-6A	1.2016	1.1559	125
DC-7B/C/BF/CF, L1049H	1.6923	1.6316	150
L-100	1.7534	1.7905	150
L-188C	1.6013	1.6414	150
DC-9-30	1.6013	1.6414	150
B-727	1.9076	1.9587	150
CL-44	2.0809	2.1311	160
Proposed minimum rates			
AW-650	$1.4119		$100
DC-6A	1.1535	$1.1535	125
L-188C	1.4172	1.4601	150
DC-9-30	1.4172	1.4601	150
L-100-20	1.7253	1.7763	150
B-727	1.7253	1.7763	150
DC-8-55F	2.8346	2.9014	225
DC-8-61CF	3.3068	3.3764	275
Minimum rates adopted			
C-46	$0.8645	$0.8305	$50
AW-650	1.3334		125
DC-6A	1.1535	1.1535	125
L-188C	1.4144	1.4573	150
DC-9-30	1.4144	1.4573	150
L-100-20	1.6953	1.7494	150

Rates for aircraft not included in the notice. DoD recommended that rates be established for all jets of the standard (B-707/DC-8-50) and stretched (DC-8-61 and 63) series and for the CL-44, DC-7, and C-46. However, of the jet series mentioned, cost information has not been supplied for aircraft other than the DC-8-55F and the DC-8-61/CF (for which rates were proposed), these aircraft have not previously had rates established for Logair or Quicktrans, and there is no information indicating the extent of anticipated requirements. The CL-44 and DC-7 aircraft have been used in prior years, but as indicated in the notice, current cost information has not been submitted for them and fiscal year

[1] No comments were received from the other three carriers which submitted cost forecasts, Airlift International, Inc., Saturn Airways, Inc., and World Airways, Inc. Northwest Airlines, Inc., which has a contract with Military Airlift Command (MAC) for international charters, has petitioned in Docket 21084 for extension of Part 288 beyond July 1, 1969, to permit continuation of such services pending completion of the rate review for these operations.

1969 rates were predicated on costs reflecting substantial annual operations at reasonable daily utilizations, rather than the occasional and infrequent use apparently contemplated by DoD. Therefore, we will not establish rates for those aircraft which were not covered by our notice. Moreover, in view of DoD's advice that it does not have an immediate requirement for three- and four-engine jet aircraft, we will defer action on minimum rates for the B–727, DC–8–50F, and DC–8–61CF aircraft.[3] On the other hand, in the case of the C–46, a current solicitation of bids (RFP) indicates that a regular service is currently envisioned to meet a special need for this limited capacity[4] aircraft. Accordingly, in the absence of information disclosing that the fiscal 1969 rate no longer reflects costs appropriate for minimum rate purposes, we shall accommodate DoD's needs by extending the current C–46 rate as the fair and reasonable minimum rate for fiscal 1970.

Separate rates for B–727 and L–100–20 aircraft. Our grouping of aircraft types was based upon similarity of costs after adjustment. However, DoD states that the B–727 and the L–100–20 are not sufficiently interchangeable in ability to support its airlift requirements since the L–100–20 has capabilities[5] not met by the B–727. In view of these representations we will establish separate rates for the two aircraft types, based on their individual cost characteristics. As indicated above, action on the B–727 rate will be deferred to a later date.

Depreciation. DoD urges the use of 15 percent residual values for turbojet and AW–650 aircraft (rather than the 10 percent used in the notice) and the use of an 8-year service life for the L–188C (rather than the 6-year life proposed).

As to the residual values, DoD argues that continuing maintenance avoids deterioration and that the resale values are a minimum of 15 percent, especially in view of the interchangeability of high cost repairable sub-systems and serviceable engines. It states that a 2-year increase in service life does not warrant a one-third reduction in residual values; that used turbojet aircraft have in recent years consistently been sold for amounts substantially higher than depreciated book value; and that 15 percent is a conservative figure in light of persistent inflationary factors inherent in the economy and of the rising cost/price pattern for sophisticated aircraft. With respect to the AW–650 residual value, DoD states that a decrease from last years' 15 percent residual was not requested by any carrier and has not been supported.[6]

In our judgment, DoD's position is meritorious and we have decided to use 15 percent as the residual value for all equipment covered by this order.[6] In addition to the points raised by DoD, it may be noted that a 14-year service life with a 15 percent residual value is within the range of industry usage for the DC–9–30 as shown on the carrier's Form 41 reports, and conforms to the depreciation policy of Overseas, the only carrier which has offered the DC–9–30 for MAC domestic operations. With respect to the other aircraft types, a 15 percent residual was used in establishing rates for fiscal year 1968, and we agree with the DoD position that there are insufficient grounds for reducing those values at this time.

With respect to the proposed 6-year service life for the L–188C, DoD argues that this aircraft is, for all practical purposes, a new type, notes that in the past the Board used an 8–10-year life for the turboprop L–100, CL–44, and AW–650 aircraft, and points out that the AW–650 entered revenue service in 1959, at the same time as the L–188. Accordingly, DoD suggests that an 8-year service life be used. We have determined to adhere to the service life proposed in the notice. The notice extended the service life from 5 years to 6 years, and in view of the age of the basic aircraft we believe this extension more reasonable than the 8-year life advocated by DoD. Several L–188 aircraft were retired by domestic certificated carriers last year, and while the L–188C aircraft appear to be feasible for commercial usage, it has a somewhat limited suitability. Moreover, comparison with the AW–650 service life is not valid, since that life started some 5 years prior to the L–188C conversion.

Overseas' utilization for L–188 aircraft. Overseas contends that the daily aircraft utilization proposed in the notice for the L–188 is excessive. It urges that because of the requirement of the Quicktrans RFP that aircraft be "dedicated",[7] the aircraft utilization will be less than contemplated. The carrier has also studied the RFP's in an attempt to analyze aircraft preferences and has noted the patterns it believes will be awarded for various equipment types. On the basis of this determination, ONA has charted operations and maintenance times and arrived at utilization figures at 6.6 hours with six aircraft for Logair and 5.4 hours with 5.1 aircraft for Quicktrans for the L–188. ONA also has provided a compilation of delays in Quicktrans service (both Government caused and caused by weather and other factors) and claims that the magnitude of the delays would result in unacceptable schedule reliability if its utilization figure is not accepted.

One difficulty with the carrier's position is that it would alter L–188 utilization because of the preferences it detects in the RFP's, but makes no changes in utilization of other aircraft. Thus, no change is indicated by ONA in utilization for the DC–9 aircraft it offers, which are grouped with the L–188, and no basis is given for changes in utilization for the L–100–20, which also will compete with the L–188 for preference according to ONA. Further, if ONA is correct with respect to the aircraft patterns for which preference will be given to the L–100–20, there will be a substantial reduction in L–188 Quicktrans procurement. However, we are advised that no bid has been submitted for Quicktrans operations utilizing the L–100–20, and thus a major premise to ONA's conclusion may be contrary to fact. The short of the matter is that the RFP's do not, in this instance, give a valid basis for concluding what awards will be made to the carriers for the various aircraft types, and are an insufficient predicate for changing utilization proposed in the notice, especially on a piece-meal basis.

Universal's landing rate for AW–650 aircraft. Universal takes issue with the rate per directed landing element for its AW–650 aircraft. The carrier refers to its modification contract with the manufacturer and states that the contract establishes a safe life based upon the number of landings to be performed. In light of this, the carrier contends that aircraft amortization should be based upon a "safe life" tied to the number of landings rather than upon conventional depreciation methodology based upon years of anticipated service life. Accordingly, the carrier states that it would delete from the linehaul portion of the rate the allowance for depreciation and obsolescence and add into the stop charge an amortization element which would produce a somewhat higher cost. It would also increase the return allowance somewhat, because of the impact on operating margin, apply this charge to the linehaul element, and then adjust the two elements to obtain an even $150 per landing figure (as opposed to the $100 per landing proposed in the notice). The result would be to increase the total rate per statute mile flown at a 350-mile/stage length from $1.6976 to $1.7033.

DoD opposes this change as incompatible with the rate structuring method heretofore used and accepted. It also urges that landing charges should not be adjusted to reflect a "safe life", stating that Universal's support for that contention, the contract between the carrier and the manufacturer, in no way expresses the potential maximum structural integrity of the airplane, but rather represents a minimum service warranty.

[3] Since we are not now establishing rates for the DC–8–50F and DC–8–61CF we need not act now on the suggestion that uniform ton-mile costs be used for these aircraft types.

[4] The C–46 ACL approximates 13,000 pounds, as contrasted to the 22,000-pound ACL for the AW–650, which is the lowest capacity aircraft included in our notice.

[5] Truck bed height of cargo deck, multiple pallet-loading, ability to handle specialized cargo, and straight-in tail end loading.

[6] DoD questions the full service life method used in applying our depreciation policy to the AW–650 modification, but we note that this is the same method which has been used in the case of other aircraft types.

[6] We are not at this time passing upon the proper depreciation rates for three- and four-engine jet aircraft.

[7] A specified number of aircraft to be used in performing the contract cannot be used in other revenue service without prior permission.

We agree with DoD as to the nature of the agreement with the manufacturer and would not apportion a "safe life" charge to landings in lieu of depreciation charged to both linehaul and stop charge elements. However, we have reviewed the AW-650 rates proposed in the notice and have now concluded that the rate structure should be revised to reflect a higher landing charge and a concomitant decrease in the linehaul charge. It appears that the rate proposed in the notice of $100 per landing is out of line with the landing charges for other comparable aircraft. The matter assumes importance because the costs developed in the notice were predicated upon a stage length of 350 miles, whereas it appears that the average stage lengths to be performed on the basis of the RFP's will be 269 miles. Since landing costs will have a greater significance in the overall cost of the operation, it is important that these costs not be understated. Accordingly, we have determined to change the structure by increasing the landing charge to $125 (which conforms to the charge for the DC-6A) and decreasing the linehaul rate from $1.4119 to $1.3334.

Incorporation by reference. No other comments were received with respect to the minimum rates proposed, and, except to the extent modified herein, the costs and other findings contained in the notice are incorporated herein by reference. For convenience of the users, the modified adjusted costs * are summarized below:

* These costs are detailed in the Appendix which is filed as part of the original document.

Carrier	Aircraft type	Number aircraft	Stage length		Adjusted cost per course flown statute mile	
			Logair	Quicktrans	Logair	Quicktrans
					Cents	*Cents*
Group A:						
Overseas	DC-9-30	5	400	450	179.42	179.55
Overseas	L-188C	8	400	450	183.22	182.48
Universal	L-188C	13	400	450	176.13	176.77
Weighted average					178.94	179.06
All other:						
Airlift	L-100-20	3	400	450	207.03	208.27
Saturn	DC-6A	12	414	414	145.54	145.54
Universal	AW-650	8	350		169.05	
(1)	C-46		172	172	115.57	112.17

[1] Based on current rate.

Extension of expiration date. The current rule provides that Part 288 shall expire on June 30, 1969. The rates for Logair and Quicktrans are being established for use during fiscal year 1970 and we will provide for their expiration on June 30, 1970, unless earlier rescinded by the Board. However, as pointed out in the notice, rates for MAC international operations will be established at a later date. Northwest Airlines, Inc., an international contractor, has requested that Part 288 be extended to September 30, 1969, to correspond with the extension by MAC of international contracts for fiscal year 1969, and that amendments to Part 288 be made effective October 1, 1969. We have decided to extend Part 288 to October 31, 1969, for international operations to assure that adequate time will be provided for establishing the international rates. The question of the effective date for these rates will be left open, however, and the extent of any retroactive effect to be given the rates will be determined at the time the rates are established.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the economic regulations (14 CFR Part 288), effective July 1, 1969,* in the following respects:

1. Section 288.7(b) is revised to read as follows:

§ 288.7 **Reasonable level of compensation.**

* * * * *

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

Aircraft type	Linehaul rate per course flown statute mile		Rate per directed landing
	Logair	Quicktrans	
C-46	$0.8645	$0.8305	$50
AW-650	1.3334		125
DC-6A	1.1535	1.1535	125
L-188C	1.4144	1.4573	150
DC-9-30	1.4144	1.4573	150
L-100-20	1.6953	1.7494	150

* In light of the fact that the exemption provided by Part 288 will expire unless effective action is taken prior to July 1, 1969, and considering the matters discussed in the preceding paragraph of the text, we find that notice with respect to the extension of the exemption and public procedure thereon are impracticable, unnecessary, and contrary to the public interest. For these reasons, as well as the fact that the notice of rule making proposed that the revised rates will be effective July 1, 1969, we find that good cause exists for making the rule effective prior to the expiration of the 30-day notice period.

* * * * *

2. Section 288.18 is revised to read as follows:

§ 288.18 **Expiration.**

(a) With respect to Logair and Quicktrans services and substitute service within the contiguous 48 States, this part shall expire June 30, 1970, unless rescinded by the Board at an earlier date.

(b) With respect to foreign and overseas transportation, transportation between the 48 contiguous States, on the one hand and Hawaii or Alaska, on the other hand, and for transportation within Alaska, including substitute service therefor, this part shall expire October 31, 1969, unless rescinded by the Board at an earlier date.

(c) The Board reserves the right to rescind this part or any provision thereof at any time, with or without notice or hearing, as the public interest may require.

(d) The transportation services performed pursuant to the authorization granted in this part do not constitute an activity of a continuing nature within the meaning of 5 U.S.C. 558(c).

(Secs. 204, 403, 416, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended; 49 U.S.C. 1324, 1373, 1386)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-7660; Filed, June 30, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1537]

PART 13—PROHIBITED TRADE PRACTICES

Bernard Spivack & Co., Inc., and Bernard Spivack

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Bernard Spivack & Co., Inc., et al., Chicago, Ill., Docket C-1537, May 22, 1969]

In the Matter of Bernard Spivack & Co., Inc., a Corporation, and Bernard Spivack, Individually and as an Officer of Said Corporation

Consent order requiring a Chicago, Ill., manufacturer of fur trimmed ladies' garments to cease misbranding, falsely invoicing, and deceptively guaranteeing its fur products.

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

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

A. Misbranding fur products by:

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

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of sections 4(2) of the Fur Products Labeling Act.

3. Failing to set forth on labels the item numbers or marks assigned to fur products.

B. Falsely or deceptively invoicing fur products by:

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

2. Setting forth information required on invoices under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations in abbreviated form.

3. Failing to set forth on invoices the item numbers or marks assigned to fur products.

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

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

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

Issued: May 22, 1969.

By the Commission.

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

[F.R. Doc. 69-7716; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. C-1535]

PART 13—PROHIBITED TRADE PRACTICES

J. C. Best, Inc., and David S. Levine

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, J. C. Best, Inc., et al., Braintree, Mass., Docket C-1535, May 22, 1969]

In the Matter of J. C. Best, Inc., a Corporation, and David S. Levine, Individually and as an Officer of Said Corporation

Consent order requiring a Braintree, Mass., retailer of rugs and carpeting to cease misbranding and falsely advertising its textile fiber products.

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

It is ordered, That respondents J. C. Best, Inc., a corporation, and its officers, and David S. Levine, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to disclose on labels the required fiber content information as to floor coverings, containing exempted backings, fillings, or paddings, in such manner as to indicate that it relates only to the face, pile, or outer surface of the floor covering and not to the exempted backing, filling or padding.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of such textile fiber product unless the same information required to be shown on the stamp, tag, label, or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in disclosing fiber content information as to floor coverings containing exempted backings, fillings or paddings, that such disclosure relates only to the face, pile, or outer surface of such textile fiber product and not to the exempted backings, fillings, or paddings.

3. Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

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

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

Issued: May 22, 1969.

By the Commission.

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

[F.R. Doc. 69-7714; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. C-1538]

PART 13—PROHIBITED TRADE PRACTICES

Plaza Nine, Ltd., and Shirley M. Zakas

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, secs. 2-5, 54 Stat. 1128-1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Plaza Nine, Ltd., et al., Wichita, Kans., Docket C-1538, May 23, 1969]

In the Matter of Plaza Nine, Ltd., a Corporation, and Shirley M. Zakas, Individually and as an Officer of Said Corporation

Consent order requiring a Wichita, Kans., seller of textile and wool fiber products to cease misbranding its merchandise and failing to keep required records.

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

It is ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported of any textile fiber product which has been advertised or offered for sale in commerce, or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the term "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by failing to affix labels to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing or mutilating, or causing or participating in the removal or mutilation of, the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4 of said Act and the rules and regulations promulgated thereunder and in the manner prescribed by section 5(b) of said Act.

It is further ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from failing to keep such records when substituting a stamp, tag, label, or other identification pursuant to section 5(b) as will show the information set forth on the stamp, tag, label, or other identification that was removed, and the name or names of the person or persons from whom such textile fiber product was received.

It is further ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Plaza Nine, Ltd., a corporation, and its officers, and Shirley M. Zakas, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label, or other identification required by the Wool Products Labeling Act of 1939 to be affixed to wool products subject to the provisions of such Act, prior to the time any wool product subject to the provisions of said Act is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4(a)(2) of said Act.

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

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

Issued: May 23, 1969.

By the Commission.

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

[F.R. Doc. 69-7715; Filed, June 30, 1969; 8:47 a.m.]

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

Effective Date

The Federal Trade Commission published in the FEDERAL REGISTER of May 27, 1969 (34 F.R. 8200) the adoption of the regulations previously published in the FEDERAL REGISTER of March 19, 1968 (33 F.R. 4718) pertaining to the Fair Packaging and Labeling Act. The effective date of the subject order was specified in § 500.25(c)(2) as July 1, 1969.

Subsequent to the adoption of the regulations, actions instituted in the courts have raised issues respecting the implementation of the Fair Packaging and Labeling Act by the Federal Trade Commission. The Commission has determined that the effective date of the order should be postponed for a short period of time to afford possible resolution of the problems involved.

Therefore, notice is hereby given that the July 1, 1969 effective date is postponed until further order of the Commission. The new order will provide at least thirty (30) days advance notice of the new effective date.

Issued: June 27, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-7811; Filed, June 30, 1969; 8:51 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 17—BAKERY PRODUCTS

Bread, Identity Standard; Confirmation of Effective Date of Order Listing Polysorbate 60 as Optional Ingredient

In the matter of amending the definition and standard of identity for bread (21 CFR 17.1) to permit the use of polysorbate 60 as an optional ingredient:

One objection was received to the order in the above-identified matter published in the FEDERAL REGISTER of March 27, 1969 (34 F.R. 5719). The objection questioned the availability of adequate scientific data to justify such use of polysorbate 60.

The Commissioner of Food and Drugs has evaluated the objection and concludes that it is without sufficient support to merit a stay of the order. The objector has been notified by letter and a copy is on file with the Hearing Clerk.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that the amendment promulgated by the subject order became effective May 26, 1969.

Dated: June 23, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7684; Filed, June 30, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

ANTIBIOTIC DRUGS; FEE SCHEDULES AND CHARGES FOR INSPECTION OF FOREIGN MANUFACTURERS

No comments were received in response to the notice published in the FEDERAL REGISTER of May 17, 1969 (34 F.R. 7868), proposing that the antibiotic drug regulations be amended to revise the antibiotic drug certification fee schedules and to provide for charges for followup inspections of the facilities of foreign manufacturers. The Commissioner of Food and Drugs concludes that the proposal should be adopted.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 146 through 149d are amended as follows:

1. Section 146.8(b) is revised to read as follows:

§ 146.8 Fees.

* * * * *

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

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

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

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

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

2. Section 146a.9(b) is revised to read as follows:

§ 146a.9 Procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil.

* * * * *

(b) *Packing; labeling; requests for certification, samples.* The drug conforms to all requirements and procedures prescribed for penicillin ointment by § 146a.26 (b), (c), and (d), except that procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil may be packaged in plastic tubes, and except that: In addition to complying with the requirements of § 146a.26(d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the dates of the latest tests and assays of the novobiocin (for potency, moisture, pH, and crystallinity), neomycin (for potency, moisture, and pH), and dihydrostreptomycin (for potency, moisture, pH, streptomycin content, and crystallinity if it is crystalline dihydrostreytomycin) used in making the batch; the number of units of penicillin G, the number of milligrams of novobiocin, the number of milligrams of neomycin, and the number of milligrams of dihydrostreptomycin per milliliter. He shall also submit in connection with his request a sample consisting of not less than eight immediate containers of the batch and (unless they were previously submitted) samples consisting of five packages of the neomycin and six packages each of the novobiocin and dihydrostreptomycin used in making the batch, each package containing equal portions of not less than 0.5 gram.

3. Section 146a.10 *Procaine penicillin* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

c. By deleting subparagraph (3).

4. Section 146a.14 *Sodium oxacillin capsules* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(b), (d), and (e)" in the first sentence to read "(b) and (d)".

5. Section 146a.53 *Capsules penicillin and novobiocin* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

c. By deleting subparagraph (3).

6. Section 146a.61(b) is revised to read as follows:

§ 146a.61 Potassium phenoxymethyl penicillin (potassium phenoxymethyl penicillin salt).

* * * * *

(b) *Packaging; labeling; requests for certification, samples.* Proceed as directed in § 146a.103 (b), (c), and (d).

7. Section 146a.99 *Capsules crystalline penicillin G* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

8. Section 146a.111 *Procaine penicillin-* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

c. By deleting subparagraph (3).

9. Section 146a.123(b) is revised to read as follows:

§ 146a.123 Ampicillin.

* * * * *

(b) *Packaging; labeling; requests for certification, samples.* Proceed as directed in § 146a.6 (b), (c), and (d).

10. Section 146b.123(c) is revised to read as follows:

§ 146b.123 Streptomycin-sodium sulfathiazole solution veterinary; dihydrostreptomycin-sodium sulfathiazole solution veterinary.

* * * * *

(c) *Requests for certification, samples.* The person who requests certification of a batch shall submit in connection with his request the same information and number of samples for the batch as prescribed by § 146b.106(d).

11. Section 146b.129 *Streptomycin* * * * is amended in paragraph (a) by deleting "; *fees*" from the paragraph heading.

12. Section 146c.207 *Chlortetracycline* * * * is amended by deleting the last sentence from paragraph (a).

13. Section 146c.218 *Tetracycline hydrochloride* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

c. By deleting subparagraph (3).

14. Section 146c.225 *Tetracycline hydrochloride-nystatin tablets* is amended by deleting the last sentence.

15. Section 146c.232 *Tetracycline phosphate complex* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" to read "(c), and (d)".

16. Section 146c.242 *Tetracycline-neomycin* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By deleting subparagraph (3).

17. Section 146c.253 *Demethylchlortetracycline* is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" to read "(c), and (d)".

18. Section 146c.266 *Demethylchlortetracycline hydrochloride tablets* is amended by deleting the last sentence.

19. Section 146d.310 *Chloramphenicol tablets* is amended by deleting the last sentence.

20. Section 146d.314 *Chloramphenicol* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" in the first sentence to read "(c), and (d)".

21. Section 146d.315 *Chloramphenicol* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" to read "(c), and (d)".

c. By deleting subparagraph (4)(ii).

22. Section 146e.423 *Soluble bacitracin* * * * is amended in paragraph (b):

a. By deleting "; *fees*" from the paragraph heading.

b. By changing "(c), (d), and (e)" to read "(c), and (d)".

23. Section 146e.427 *Feed grade bacitracin* * * * is amended in paragraph (b):

a. By deleting "*fees;*" from the paragraph heading.

b. By changing "(d), (e), and (f)" to read "(d), and (f)".

24. Section 146e.431 *Feed grade manganese* * * * is amended by deleting *fate* * * * is amended by deleting paragraph (b).

25. Section 147.5 *Sodium colistimethate* * * * is amended by deleting paragraph (a)(5).

26. Section 147.6 *Streptomycin sulfate* * * * is amended by deleting paragraph (a)(5).

27. Paragraph (b) is deleted from: §§ 146a.52, 146a.55, 146a.56, 146a.57, 146a.60, 146a.70, 146a.71, 146a.78, 146a.81, 146a.88, 146a.101, 146a.102, 146c.231, 146c.240, 146d.309, 146e.407, 146e.409, 146e.410, 146e.411, 146e.412, 146e.414, 146e.421, 146e.422, and 146e.424.

28. Paragraph (c) is deleted from: §§ 146a.20, 146a.23, 146a.87, 146a.90, 146a.91, 146a.92, 146a.106, 146b.132, and 146c.246.

29. Paragraph (d) is deleted from: §§ 146a.54, 146a.83, 146a.85, 146a.89, 146a.90, 146a.93, 146a.108, 146b.120, 146b.130, 146c.216, 146c.223, 146c.224, 146c.228, 146c.229, 146c.237, 146c.243, 146c.263, 146d.311, 146d.313, 146d.316, and 146e.426.

30. Paragraph (e) is deleted from: §§ 146a.2, 146a.3, 146a.6, 146a.7, 146a.8, 146a.11, 146a.12, 146a.13, 146a.15, 146a.16, 146a.17, 146a.18, 146a.19, 146a.21, 146a.22, 146a.24, 146a.25, 146a.26, 146a.27, 146a.28, 146a.29, 146a.30, 146a.31, 146a.32, 146a.33, 146a.34, 146a.35, 146a.36, 146a.37, 146a.38, 146a.39, 146a.40, 146a.41, 146a.42, 146a.43, 146a.44, 146a.45, 146a.46, 146a.47, 146a.48, 146a.49, 146a.50, 146a.51, 146a.58, 146a.59, 146a.62, 146a.63, 146a.64, 146a.65, 146a.66, 146a.67, 146a.68, 146a.69, 146a.72, 146a.74, 146a.75, 146a.76, 146a.77, 146a.79, 146a.80, 146a.82, 146a.84, 146a.86, 146a.94, 146a.95, 146a.97, 146a.98, 146a.103, 146a.104, 146a.105, 146a.112 through 146a.122, 146a.126, 146a.127, 146b.101, 146b.102, 146b.104, through 146b.119, 146b.121, 146b.122, 146b.124, 146b.126, 146b.127, 146b.128, 146b.131, 146b.133, 146b.134, 146c.201 through 146c.206, 146c.208, 146c.211 through 146c.215, 146c.217, 146c.219, 146c.220, 146c.221, 146c.222, 146c.226, 146c.227, 146c.230, 146c.235, 146c.236, 146c.241, 146c.244, 146c.247 through 146c.252, 146c.254, 146c.255, 146c.256, 146c.259, 146c.264, 146c.265, 146c.267, 146c.268, 146c.271, 146d.301 through 146d.308, 146d.312, 146d.317, 146d.318, 146e.401, 146e.402, 146e.403, 146e.405, 146e.408, 146e.416 through 146e.419, 146e.425, 146e.429, 146c.430, 146e.432 through 146e.436, 147.2, and 147.4.

31. Paragraph (f) is deleted from: §§ 146c.233 and 146e.413.

32. Parts 148a through 148z and 149a through 149d are amended by deleting paragraph (a)(4) from each section; except for §§ 148e.3, 148i.1, 148i.22, 148m.1, 148p.1, 148p.8, 148s.1, 148t.1, 148w.1, 148w.2, 148x.5, 149a.2, 149a.3, 149b.3, and 149d.2, paragraph (a)(5) is deleted instead; and except for §§ 148i.11 and 148i.30b which are not amended.

The fee changes made by this order are necessary to provide, equip, and maintain an adequate antibiotic-drug certification service; therefore, a 30-day delay in effective date is not a prerequisite to this promulgation.

Effective date. This order shall become effective on July 1, 1969. The fee for testing all batches of antibiotic drugs certified on or after July 1, 1969, shall be computed on the basis of the above fee schedule.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 24, 1969.

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

[F.R. Doc. 69-7725; Filed, June 30, 1969; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart I—Nondiscrimination and Equal Opportunity in Housing and Group Practice Facilities

In Part 200, Subpart I, in the Table of Contents § 200.330 is deleted.

Section 200.315 is amended to read as follows:

§ 200.315 Prohibition against discriminatory practice.

No person, firm, or other entity receiving the benefits of Federal Housing Administration mortgage insurance or doing business with the Federal Housing Administration shall engage in a "discriminatory practice" as such term is defined in this subpart.

In Part 200, Subpart I, § 200.330 is deleted as follows:

§ 200.330 Federal Housing Administration-owned properties. [Deleted]

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

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

In Part 203, Subpart A, in the Table of Contents §§ 203.16a and 203.41 are deleted and the headings of §§ 203.30 and 203.92 are amended as follows:

Sec.
203.30 Certificate of nondiscrimination by mortgagor.
203.92 Certificate of nondiscrimination by borrower.

Subpart A—Eligibility Requirements

In Part 203, Subpart A, § 203.16a is deleted as follows:

§ 203.16a Certificate of nondiscrimination by seller. [Deleted]

In § 203.30 the heading and text thereof are amended to read as follows:

§ 203.30 Certificate of nondiscrimination by mortgagor.

The mortgagor shall certify to the Commissioner as to each of the following points:

(a) That neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the mortgage to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

In Part 203, Subpart A, § 203.41 is deleted as follows:

§ 203.41 Racial restrictions on property. [Deleted]

In § 203.92 the heading and text thereof are amended to read as follows:

§ 203.92 Certificate of nondiscrimination by borrower.

The borrower shall certify to the Commissioner as to each of the following points:

(a) That neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the loan to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In Part 207, Subpart A, in the Table of Contents, the heading of § 207.16 is amended as follows:

Sec.
207.16 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

Subpart A—Eligibility Requirements

In § 207.16 the heading thereof and paragraph (a) are amended to read as follows:

§ 207.16 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

(a) The mortgagor shall certify to the Commissioner as to each of the following points:

(1) That neither he (it), nor anyone authorized to act for him (it), will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiable for the sale or rental of, or otherwise make unavailable or deny the property covered by the mortgage to any person because of race, color, religion, or national origin.

(2) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(3) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

In Part 213, Subpart A, in the Table of Contents, the heading of § 213.16 is amended as follows:

Sec.
213.16 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

Subpart A—Eligibility Requirements—Projects

In § 213.16 the heading thereof and paragraph (a) are amended to read as follows:

§ 213.16 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

(a) The mortgagor shall certify to the Commissioner as to each of the following points:

(1) That neither it nor anyone authorized to act for it, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the mortgage to any person because of race, color, religion, or national origin.

(2) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(3) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

* * * * *

In Part 213, Subpart C, in the Table of Contents, §§ 213.519 and 213.529 are deleted and the heading of § 213.523 is amended as follows:

Sec.
213.523 Certificate of nondiscrimination by mortgagor.

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

In Part 213, Subpart C, § 213.519 is deleted as follows:

§ 213.519 Covenant regarding racial restrictions. [Deleted]

In § 213.523 the heading thereof and text are amended to read as follows:

§ 213.523 Certificate of nondiscrimination by mortgagor.

The mortgagor shall certify to the Commissioner as to each of the following points:

(a) That neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the mortgage to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

In Part 213, Subpart C, § 213.529 is deleted as follows:

§ 213.529 Racial restrictions on property. [Deleted]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

In Part 220, Subpart C, in the Table of Contents, the heading of § 220.595 is amended as follows:

Sec.
220.595 Certificate of nondiscrimination by borrower.

Subpart C—Eligibility Requirements—Projects

In § 220.595 the heading thereof and text are amended to read as follows:

§ 220.595 Certificate of nondiscrimination by borrower.

The borrower shall certify to the Commissioner as to each of the following points:

(a) That neither he (it), nor anyone authorized to act for him (it), will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the property covered by the security instrument to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

In Part 221, Subpart C, in the Table of Contents, the heading of § 221.527 is amended as follows:

Sec.
221.527 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.527 the heading thereof and paragraph (a) are amended to read as follows:

§ 221.527 Mortgagor's certificate of nondiscrimination and mortgage covenant regarding use of property.

(a) The mortgagor shall certify to the Commissioner as to each of the following points:

(1) That neither he (it), nor anyone authorized to act for him (it), will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the property covered by the mortgage to any person because of race, color, religion, or national origin.

(2) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(3) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

In Part 232, Subpart A, in the Table of Contents, the heading of § 232.34 is amended as follows:

Sec.
232.34 Certificate of nondiscrimination by mortgagor.

Subpart A—Eligibility Requirements

In § 232.34 the heading thereof and text are amended to read as follows:

§ 232.34 Certificate of nondiscrimination by mortgagor.

The mortgagor shall certify to the Commissioner as to each of the following points:

(a) That neither it, nor anyone authorized to act for it, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the property covered by the mortgage to any person because of race, color, religion, or national origin.

(b) The any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specificially disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

In Part 234, Subpart A, in the Table of Contents, §§ 234.50 and 234.66 are deleted and the heading of § 234.16 is amended as follows:

Sec.
234.16 Certificate of nondiscrimination by mortgagor.

Subpart A—Eligibility Requirements—Individually Owned Units

In § 234.16 the heading thereof and text are amended to read as follows:

§ 234.16 Certificate of nondiscrimination by mortgagor.

The mortgagor shall certify to the Commissioner as to each of the following points:

(a) That neither he, nor anyone authorized to act for him, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by the mortgage to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

In Part 234, Subpart A, §§ 234.50 and 234.66 are deleted as follows:

§ 234.50 Racial restriction covenant. [Deleted]

§ 234.66 Racial restrictions on property. [Deleted]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

SUBCHAPTER Q—SUPPLEMENTAL PROJECT LOAN INSURANCE

PART 241—SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

In Part 241, Subpart A, in the Table of Contents, the heading of § 241.120 is amended as follows:

Sec.
241.120 Certificate of nondiscrimination by borrower.

Subpart A—Eligibility Requirements

In § 241.120 the heading thereof and text are amended to read as follows:

§ 241.120 Certificate of nondiscrimination by borrower.

The borrower shall certify to the Commissioner as to each of the following points:

(a) That neither he (it), nor anyone authorized to act for him (it), will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the property covered by the security instrument to any person because of race, color, religion, or national origin.

(b) That any restrictive covenant on such property relating to race, color, religion, or national origin is recognized as being illegal and void and is hereby specifically disclaimed.

(c) That civil action for preventative relief may be brought by the Attorney General in any appropriate U.S. District Court against any person responsible for a violation of this certification.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 241, 82 Stat. 508, 12 U.S.C. 1715z-6)

Issued at Washington, D.C., June 25, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-7723; Filed, June 30, 1969; 8:48 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4¾%	July 1, 1966	Jan. 1, 1967
4¾%	Jan. 1, 1967	Jan. 1, 1968
5¾%	Jan. 1, 1968	July 1, 1969
5¾%	July 1, 1969	

Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4¾%	July 1, 1966	Jan. 1, 1967
4¾%	Jan. 1, 1967	Jan. 1, 1968
5¾%	Jan. 1, 1968	July 1, 1969
5¾%	July 1, 1969	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4¾%	July 1, 1966	Jan. 1, 1967
4¾%	Jan. 1, 1967	Jan. 1, 1968
5¾%	Jan. 1, 1968	July 1, 1969
5¾%	July 1, 1969	

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4¾%	July 1, 1966	Jan. 1, 1967
4¾%	Jan. 1, 1967	Jan. 1, 1968
5¾%	Jan. 1, 1968	July 1, 1969
5¾%	July 1, 1969	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

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

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-7721; Filed, June 30, 1969; 8:48 a.m.]

SUBCHAPTER Q-1—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

PART 242—NONPROFIT HOSPITALS

Incorporation by Reference and Insurance Benefits

In Part 242 in the Table of Contents a new § 242.260 is added as follows:

Sec.
242.260 Insurance benefits.

Subpart B—Contract Rights and Obligations

Section 242.251 is amended to read as follows:

§ 242.251 Incorporation by reference.

All of the provisions of Subpart B, Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to mortgages on nonprofit hospitals insured under section 242 of the National Housing Act, except the following:

Sec.
207.259 Insurance benefits.

In Part 242, Subpart B, a new § 242.260 is added to read as follows:

§ 242.260 Insurance benefits.

All of the provisions of § 207.259 of this chapter relating to insurance benefits apply to mortgages on nonprofit hospitals insured under this subpart, except that in a case where the mortgage involves the financing or refinancing of an existing hospital pursuant to § 242.93 and the commitment for insuring such mortgage is issued on or after April 1, 1969, the insurance claim shall be paid in cash unless the mortgagee files a written request for payment in debentures. If such a request is made, the claim shall be paid in debentures issued in multiples of $50, with any balance less than $50 to be paid in cash.

(Sec. 211, 52 Stat. 23, as amended, sec. 242, 82 Stat. 5999, as amended; 12 U.S.C. 1715b, 1715z-7)

Issued at Washington, D.C., May 27, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-7722; Filed, June 30, 1969; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69-63]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Ashepoo River, Combahee River, and North Wimbee Creek, S.C.

1. The Commander, 7th Coast Guard District by letter dated June 4, 1969, requested the Commandant to revoke the special operation regulations for the Seaboard Coast Line Railroad bridges across Ashepoo River, mile 20.0, Combahee River, mile 14.2, and North Wimbee Creek, mile 1.6, as these bridges have been removed from these waterways.

2. Accordingly, § 117.245(h) (4), (6), and (7) are hereby revoked.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Effective date. This revocation shall become effective upon the date of publication in the FEDERAL REGISTER.

Dated: June 24, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-7745; Filed, June 30, 1969; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Covenants

1. In § 36.4320(h), that portion of subparagraph (5) preceding subdivision (i) is amended to read as follows:

§ 36.4320 Sale of security.

* * * * *

(h) The conveyance or transfer of any property to the Administrator pursuant to paragraph (a), (b), or (c) of this section shall be subject to the following provisions:

* * * * *

(5) Each conveyance or transfer of real property to the Administrator pursuant to this section shall be acceptable if the holder thereby covenants or warrants against the acts of himself and those claiming under him (e.g., by special warranty deed) and if it vests in the Administrator or will entitle him to such title as is or would be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community in which the property is situated. Any title so acceptable will not be unacceptable to the Administrator by reason of any of the limitations on the quantum or quality of the property or title stated in § 36.4350(b): *Provided*, That

* * * * *

2. In § 36.4350, paragraph (b) is amended to read as follows:

§ 36.4350 Estate of veteran in real property.

* * * * *

(b) Any such property or estate will not fail to comply with the requirements of paragraph (a) of this section by reason of the following:

(1) Encroachments;
(2) Easements;
(3) Servitudes;
(4) Reservations for water, timber, or subsurface rights;
(5) Right in any grantor or cotenant in the chain of title, or a successor of either, to purchase for cash, which right by the terms thereof is exercisable only if—
(i) An owner elects to sell,
(ii) The option price is not less than the price at which the then owner is willing to sell to another, and
(iii) Exercised within 30 days after notice is mailed by registered mail to the address of optionee last known to the then owner of the then owner's election to sell, stating his price and the identity of the proposed vendee;
(6) Building and use restrictions whether or not enforceable by a reverter clause if there has been no breach of the conditions affording a right to an exercise of the reverter;
(7) Violation of a restriction based on race, color, creed, or national origin, whether or not such restriction provides for reversion or forfeiture of title or a lien for liquidated damages in the event of a breach;
(8) Any other covenant, condition, restriction, or limitation approved by the Administrator in the particular case. Such approval shall be a condition precedent to the guaranty or insurance of the loan;

Provided, That the limitations on the quantum or quality of the estate or property that are indicated in this paragraph, insofar as they may materially affect the value of the property for the purpose for which it is used, are taken into account in the appraisal of reasonable value required by 38 U.S.C. ch. 37.

* * * * *

3. In § 36.4515, paragraph (c) is revoked:

§ 36.4515 Estate of veteran in real property.

* * * * *

(c) [Revoked]

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

By direction of the Administrator.

Approved: June 25, 1969.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-7727; Filed, June 30, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4672]

[Riverside 1524]

CALIFORNIA

Amendment of Public Land Order No. 4665

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

1. Paragraph No. 2 of Public Land Order No. 4665 of June 2, 1969, is amended to read as follows:

"The lands shall immediately be made available for consummation of a pending Forest Service exchange."

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 24, 1969.

[F.R. Doc. 69-7717; Filed, June 30, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8-3—PROCUREMENT BY NEGOTIATION

Small Purchases

1. In Subpart 8-3.6, § 8-3.603-1 is added to read as follows:

§ 8-3.603-1 Solicitation.

In order to obtain maximum benefit from the simplified purchase procedures prescribed in this subpart, purchases not exceeding $250 in total may be accomplished without securing competitive quotations where the price and other factors are considered to be reasonable. Such purchases will be distributed equitably among qualified suppliers, considering past experience concerning specific dealers' prices.

2. In § 8-3.606-5, paragraph (b) is amended to read as follows:

§ 8-3.606-5 Agency implementation.

* * * * *

(b) The duplicate and triplicate copies of the VA Form 07–2237, Request, Turn-in, and Receipt for Property or Services, or reproduced copies of the front of the VA Form 10–1209, Unposted Item Request, requesting the purchase will be used as the receiving report and property voucher for each individual purchase made under these arrangements.

* * * * *

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114; 38 U.S.C. 210(c))

These regulations are effective immediately.

By direction of the Administrator.

Approved: June 25, 1969.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69–7728; Filed, June 30, 1969; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Standards for Exhaust Emissions, Fuel Evaporative Emissions, and Smoke Emissions, Applicable to 1970 and Later Vehicles and Engines

On June 4, 1968, regulations for the control of air pollution from new motor vehicles and new motor vehicle engines beginning with the 1970 model year were published in the FEDERAL REGISTER (33 F.R. 8304).

Subsequent to that publication, numerous written questions and comments were received by the Commissioner, National Air Pollution Control Administration, from manufacturers concerning the interpretation and application of the provisions of those regulations. In order that National Air Pollution Control Administration personnel could properly respond to the industry's inquiries and observations, a Technical Meeting was held at the National Air Pollution Control Administration's motor vehicle testing facility at Willow Run Airport, Ypsilanti, Mich., on August 7, 1968. Notice of the meeting was forwarded to vehicle manufacturers and industry associations, both domestic and foreign, together with an invitation affording them an opportunity to discuss the implementation of those regulations. In addition, an announcement of the meeting was made through a press release which invited the public to participate. In attendance at the meeting, in addition to Federal personnel, were representatives of the domestic and foreign automobile and engine manufacturers and the industry associations, as well as several research and development concerns, several oil companies, and one State air pollution control agency.

The amendments and corrections set forth below are the results of that meeting and of further efforts at clarification by program personnel. In the few instances where substantive changes are involved, those affected have been made aware of the intended revisions.

Since failure to formally adopt these procedures immediately would work to the detriment of those affected by them, the Department finds that it is in the public interest and that good cause exists for the adoption of these amendments and corrections effective upon publication in the FEDERAL REGISTER. To insure that all parties and interests participate in the further formulation of the regulations, interested persons are invited to submit data, views, comments, or arguments concerning the regulations hereby promulgated within 30 days after such publication in writing to the Secretary, Health, Education, and Welfare, Attention: National Air Pollution Control Administration, 801 North Randolph Street, Arlington, Va. Consideration will be given such submissions as fully as though they had been received in response to a proposal.

Part 85 of Subtitle A, Title 45 of the Code of Federal Regulations is amended as follows:

1. In § 85.76, paragraph (c) is revised to read as follows:

§ 85.76 Dynamometer procedure.

* * * * *

(c) The power absorption unit shall be adjusted to reproduce road load at 50 m.p.h. true speed.

(1) The proper horsepower setting for a particular vehicle—dynamometer combination is predetermined by:

(i) Measuring the absolute manifold vacuum of a representative vehicle of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 m.p.h., and

(ii) Noting the dynamometer horsepower setting required to reproduce that manifold vacuum, when the same vehicle is operated on the dynamometer at a true speed of 50 m.p.h.

(2) Where it is expected that more than 33 percent of the vehicles in an engine displacement class will be equipped with air conditioning, an additional 10 percent will be added to the road load horsepower, determined above, for all test vehicles representing such engine class.

* * * * *

2. In § 85.80, the second sentence of paragraph (c) is revised and paragraph (d) is revised. As amended, § 85.80 reads as follows:

§ 85.80 Engine starting.

* * * * *

(c) Vehicles equipped with manual choke shall be started according to the manufacturer's procedure. Use of the choke should not extend beyond sequence eight of the first cycle.

(d) Where necessary, in order to keep the engine running, the operator may use more choke, higher r.p.m., or decreased rate of acceleration.

3. In § 85.87, paragraph (a) is revised by adding a final sentence, as follows:

§ 85.87 Calculations (exhaust emissions).

The final reported test results shall be derived through the following steps:

(a) Exhaust gas concentrations shall be adjusted to a dry exhaust volume containing 14.5 mole percent carbon atoms by applying the following dilution factor to the individual mode data:

$$\frac{14.5}{\%\ CO_2 + (0.5)\%\ CO + (1.8 \times 6)\%\ HC}$$

Since hydrocarbons, carbon monoxide, and carbon dioxide are all measured with the same moisture content, no moisture correction is required to convert the results to a dry basis. Where fuel shutoff during deceleration is employed, the dilution factors for the deceleration modes shall be the dilution factors established during the preceding idle modes.

* * * * *

4. In § 85.91, paragraph (b)(2) is revised by adding third and fourth sentences, as follows:

§ 85.91 Mileage accumulation and emission measurements.

* * * * *

(b) * * *

(2) For 1970 model year vehicles equipped for fuel evaporative emission control, these vehicles will be tested for their evaporative emissions through not less than 12,000 miles. Emission measurements shall be made at least every 4,000 miles: *Provided*, That the evaporative emission control system or device shall remain on the vehicle beyond the 12,000-mile point, in operable condition, and shall be maintained in accordance with applicable portions of § 85.90, if the vehicle is also used for exhaust emission testing. (Vehicles which duplicate test vehicles used in prior year durability fleets but required to be retested for fuel evaporative emission control do not come under this proviso. For such vehicles, the exhaust emission control system deterioration factor may be reconstructed from pertinent prior year durability data.)

5. In § 85.92, paragraph (c) is amended as follows: Subparagraph (1) (i), (ii), and (iii) is revised, subparagraph (2) is revised, and subparagraph (2a) is added. As amended, § 85.92 reads as follows:

§ 85.92 Compliance with emission standards.

* * * * *

(c) * * *

(1) * * *

(i) All applicable results will be plotted as a function of mileage and the best fit straight lines, fitted by the method of least squares, will be drawn through these data points.

(ii) The deterioration factors for exhaust emission control systems or devices shall be calculated as follows:

$$\text{factor} = \frac{\text{exhaust emissions interpolated to 50,000 miles}}{\text{exhaust emissions interpolated to 4,000 miles}}$$

(iii) The deterioration factors for evaporative emission control systems or devices shall be calculated by subtracting the evaporative emissions interpolated to 4,000 miles from the evaporative emissions interpolated to 50,000 miles: *Provided*, That for evaporative emission systems within the proviso of § 85.21(b), for the 1970 model year only, the factors shall be calculated by subtracting the evaporative emissions interpolated to 4,000 miles from the evaporative emissions interpolated to 12,000 miles.

(2) The exhaust emission test results from each emission data vehicle shall be multiplied by the appropriate deterioration factor.

(2a) The evaporative emission test results from each emission data vehicle shall be adjusted by addition of the appropriate deterioration factor.

(3) The emissions to compare with the standard shall be the adjusted emissions of subparagraphs (2) and (2a) of this paragraph classified according to engine displacement and, within each engine displacement, weighted in proportion to the projected sales of the vehicles represented by each emission data vehicle.

6. In § 85.110, the second sentence of paragraph (b) is revised. As amended, paragraph (b) reads as follows:

§ 85.110 Test engines.

* * * * *

(b) *Durability data engines.* The durability data engines shall comprise a minimum of two and a maximum of six. The number shall be determined by selection of those engine displacements which represent at least 70 percent of the manufacturer's projected sales in the United States of each class of emission control system employed, during the full calendar year for which certification is sought, selected in order of sales volume: *Provided, however*, That when such manufacturer's projected full calendar year sales in the United States represents less than 10 percent of all domestic sales of engines subject to this section, the number of durability data engines shall be determined by the number of engine displacement-emission control system combinations comprising at least 50 percent of domestic sales by the manufacturer projected for such calendar year, but in no event shall there be less than two engines unless a lesser number is agreed to by the Secretary as meeting the objectives of this procedure.

7. In § 85.113, paragraph (c)(1)(i) is revised to read as follows:

§ 85.113 Compliance with emission standards.

* * * * *

(c) * * *

(1) * * *

(i) All applicable results will be plotted as a function of dynamometer hours and the best fit straight lines, fitted by the method of least squares, will be drawn through these data points.

* * * * *

8. In § 85.121, the tables in paragraphs (b) and (c) are revised. As amended, § 85.121 reads as follows:

§ 85.121 Diesel fuel specifications.

* * * * *

(b) * * *

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane	D 613	48–54	42–50
Distillation range	D 86		
IBP, ° F		330–390	340–400
10 percent point, ° F		370–430	400–460
50 percent point, ° F		410–480	470–540
90 percent point, ° F		460–520	550–610
EP, ° F		500–560	580–660
Gravity, ° API	D 287	40–44	33–37
Total sulfur, percent	D 129 or D 2622	0.05–0.20	0.2–0.5
Hydrocarbon composition	D 1319		
Aromatics, percent		8–15	27 (Min.)
Paraffins, Naphthenes, Olefins		Remainder	Remainder
Flash point, ° F (Min.)	D 93	120	130
Viscosity, centistokes	D 445	1.6–2.0	2.0–3.2

(c) * * *

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane	D 613	48–54	42–55
Distillation range	D 86		
IBP, ° F		330–390	340–410
10 percent point, ° F		370–430	400–470
50 percent point, ° F		410–480	470–540
90 percent point, ° F		460–520	550–610
EP, ° F		500–560	580–660
Gravity, ° API	D 287	40–44	33–40
Total sulfur, percent	D 129 or D 2622	0.05–0.20	0.2–0.5
Flash point, ° F (Min.)	D 93	120	130
Viscosity, centistokes	D 445	1.6–2.0	2.0–3.2

9. Section 85.128 is revised to read as follows:

§ 85.128 Chart reading.

(a) The following procedure shall be employed in reading the smokemeter recorder chart.

(1) Locate the acceleration mode (§ 85.122(a)(2)) and the lugging mode (§ 85.122(a)(3)) on the chart. Divide each mode into ½-second intervals beginning at the start of each mode. Determine the average smoke reading during each ½-second interval except those recorded during the transitional portions of the acceleration mode (§ 85.122(a)(2)(iii)) and the lugging mode (§ 85.122(a)(3)(i)).

(2) Locate and note the 15 highest ½-second readings during the acceleration mode of each dynamometer cycle.

(3) Locate and note the five highest ½-second readings during the lugging mode of each dynamometer cycle.

10. In § 85.133, paragraph (c) is amended as follows: Subparagraph (1)(i) and (ii) is revised, and the first sentence in subparagraph (2) is revised. As amended, § 85.133 reads as follows:

§ 85.133 Compliance with emission standards.

* * * * *

(c) * * *

(1) * * *

(i) All smoke test "a" and "b" results will be plotted separately as functions of hours of operation and the two best fit straight lines, fitted by the method of least squares, will be drawn through these data points.

(ii) The deterioration factors will be calculated as follows:

A = percent opacity "a", interpolated to 1,000 hours, minus percent opacity "a", interpolated to 125 hours.

B = percent opacity "b", interpolated to 1,000 hours, minus percent opacity "b", interpolated to 125 hours.

(2) The "percent opacity" values to compare with the standards will be the average of the opacity values "a" and "b" for the emission data engines within an engine family to which is added the respective factors A and B of subparagraph (1) of this paragraph for that family: *Provided*, That in the event that there is no durability data engine for a family of emission data engines (as might occur in the durability date engine selection process) the deterioration factor for an engine having the same combustion cycle and the same method of air aspiration and most nearly the same fuel feed per stroke shall be used in calculating emissions for such family of emission data engines.

The document revising Part 85 of Subtitle A, Title 45 of the Code of Federal Regulations, published in the FEDERAL REGISTER on June 4, 1968, at 33 F.R. 8304, is corrected as follows:

§ 85.87 [Amended]

1. In § 85.87, paragraph (h), Table I, the "dilution factor" corresponding to "mode 30" is changed by placing a dividing line between the values 14.5 and 14.1.

§ 85.102 [Amended]

2. Section 85.102 is corrected by changing the "mode" column, "sequence no. 7" line in the table, paragraph (a), from "F1" to "FL".

(Sec. 301(a), sec. 2, Public Law 90-148, 81 Stat. 504; 42 U.S.C. 1857g(a))

Dated: June 24, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-7628; Filed, June 30, 1969; 8:45 a.m.]

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

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Reasonable Charges for Individual Practitioner Services; Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below, made pursuant to section 1102 of the Social Security Act, 42 U.S.C. 1302, prescribe certain interim policies and requirements relating to reasonable charges for individual practitioner services under State plans for medical assistance under title XIX of such Act. These regulations are effective with respect to payments made under the State plans for services provided on or after July 1, 1969, by physicians, dentists, and other individual practitioners, and are applicable in such case notwithstanding anything to the contrary in the regulations in 45 CFR 250.30 (34 F.R. 1244, Jan. 25, 1969). The regulations in 45 CFR 250.30 shall remain applicable except to the extent that they are inconsistent with these regulations.

Interested persons who wish to submit comments, suggestions, or objections thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

MEDICAL ASSISTANCE; REASONABLE CHARGES FOR INDIVIDUAL PRACTITIONER SERVICES

SECTION 1. *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

(a) Provide that payments for physician, dentist, and other individual practitioner services will not exceed the amounts provided for on January 1, 1969, under the payment structures in effect under the State plan on that date (or, if later, the date the State began operation of its title XIX program), or the reasonable charges determined under title XVIII-B of the Act as of such date, whichever is less, except as provided in section 2 below.

(b) Include descriptions of all payment structures, regardless of type, for individual practitioner services.

(1) The description of the payment structures based on usual, customary, reasonable or prevailing charges shall include (i) definitions of those terms, (ii) a listing of the maximum charges allowed for the procedures most frequently performed, (iii) the method by which and the sources from which information on charges is obtained, and (iv) the methods which will assure that payment will not exceed the customary charge of the individual practitioner.

(2) Payment structures consisting of fixed fee schedules or schedules of maximum allowances shall be incorporated in the State plan as published or administered by the State.

(3) Payment structures based on Relative Value Studies shall be incorporated in the State plan by reference to the published study and identification of the applicable conversion factor(s).

(4) Where applicable, all descriptions shall include a listing of the different maximum charges allowed where there are variations due to geographic areas, medical specialties, and situations not falling within the usual allowances such as payments (if any) to institution-based practitioners and payments for nursing home visits.

(c) Provide that any change in a payment structure for individual practitioner services will not become operative until such change has been incorporated in the State plan by an amendment submitted to and approved by the Secretary.

(d) Provide that the following information will be submitted with an amendment referred to in paragraph (c) of this section:

(1) An estimate of the percentile of the range of customary charges to which the proposed revised payment structure will equate and a description of the method used in arriving at the estimate.

(2) An estimate of the composite average percentage increase of the proposed revised fee structure over its predecessor which shall be accompanied by a listing of the maximum charges allowed for the procedures most frequently performed.

SEC. 2. *Provisions relating to approval of proposed revised payment structures.* The Secretary will be guided by the following considerations in the approval or disapproval of proposed revised payment structures for individual practitioner services.

(a) A proposed revised payment structure that would be applicable for a period within the fiscal year beginning July 1, 1969, may be approved if (1) it equates to no more than the 75th percentile of the ranges of customary charges existing in the State on January 1, 1969; (2) the State describes the methods which will assure that payment will not exceed the customary charge of the individual practitioner, and (3) differentials have been established as described in section 1(b)(4).

(b) A proposed revised payment structure that would be applicable for a period beginning on or after July 1, 1970, may be approved if (1) it equates to no more than the 75th percentile of the ranges of customary charges existing in the State on January 1, 1969, plus a composite average percentage increase which does not exceed the percentage increase in (i) the all-services component of the Consumer Price Index (adjusted to exclude the medical component) or (ii) an alternate index designated by the Secretary; (2) there is satisfactory evidence that the State and the profession concerned have collaborated in the establishment of an effective utilization and quality control system, including provision for the disqualification of practitioners who are found to have defrauded, over-utilized, or otherwise abused the program; (3) provision is made for prior authorization of selected services; and (4) differentials have been established as described in section 1(b)(4).

(c) In no event will approval be granted for any proposed revised payment structure which will result in payments exceeding the reasonable charges determined under title XVIII-B of the Social Security Act.

SEC. 3. *States beginning operation of title XIX program after July 1, 1969.* Payment structures for States which begin operation of a title XIX program after July 1, 1969, must comply with the provisions of section 2 (as if the initial payment structures were submitted as proposed revised payment structures).

SEC. 4. *Federal financial participation.* Federal financial participation is available for payments for physician, dentist, and other individual practitioner services within the limits described in sections 1-3, in accordance with the provisions of the State plan.

The final regulations will be codified in Part 250, Chapter II, Title 45 of the Code of Federal Regulations.

Dated: June 27, 1969.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: June 27, 1969.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 69-7820; Filed, June 30, 1969; 9:29 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1050]

MILK IN CENTRAL ILLINOIS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Central Illinois marketing area is being considered for the month of July 1969.

The provision proposed to be suspended is in § 1050.14(b)(2) and reads as follows, "during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer". It relates to diversion of producer milk to nonpool plants.

The suspension action is requested by the Pure Milk Association to accommodate the handling of reserve milk of the market. The association claims that supplies of reserve milk in the month of July will exceed the quantity that can be handled under the 8-day diversion limitation. The association states that it is faced with loss of producer status for some dairy farmers, or, in the alternative, undue expense of receiving the milk first at the pool plant for reshipment to manufacturing plants.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on June 26, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-7751; Filed, June 30, 1969; 8:50 a.m.]

[7 CFR Part 1132]

[Docket No. AO-262-A19]

MILK IN TEXAS PANHANDLE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn West, 601 Amarillo Boulevard West, Amarillo, Tex., beginning at 9:30 a.m., local time, on July 15, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Texas Panhandle marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order. The proponent of proposals numbered 1, 2, and 3 has requested emergency action. Hence, evidence will be considered at the hearing with respect to emergency marketing conditions which imperatively and unavoidably require the Secretary in the due and timely execution of his functions to omit a recommended decision or to take whatever appropriate action which is necessary in connection with any amendatory action that may be requested.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Milk Producers, Inc.:

Proposal No. 1. Amend § 1132.80(c)(1) by deleting "the 13th and 26th days" and substituting therefor "the 26th and 13th days."

Proposal No. 2. Amend § 1132.80(c) by adding a new subparagraph (4) as follows:

(4) To each cooperative association for milk for which it is the handler pursuant to § 1132.12(c):

(i) On or before the 26th day of the month, a partial payment for milk received during the first 15 days of such month at not less than the amount specified in paragraph (a) of this section; and

(ii) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subdivision (i) of this subparagraph.

Proposal No. 3. Revise §§ 1132.14, 1132.30, and 1132.43 to define milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1132.12(c) as producer milk of the pool plant handler and make it clear that the pool plant handler is responsible for reporting and proving the use of milk received from a cooperative handler.

Proposed by Plains Creamery, Inc.:

Proposal No. 4. Amend § 1132.15 "Fluid Milk Products" to except sour cream and sour cream dips from the definition, along with the other exceptions shown in this section.

Proposal No. 5. Amend § 1132.41(b)(5) "Classes of Utilization" to provide that a handler who receives milk from a cooperative in tanker loads at farm weights and producer tests shall be allocated shrinkage not in excess of 2 percent of such receipts of skim milk and butterfat.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 6. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Richard E. Arnold, 4325 East 51st Street, Post Office Box 45563, Tulsa, Okla. 74145, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 26, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-7752; Filed, June 30, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 53]

CANNED TOMATOES

Identity Standard; Optional Forms of Tomatoes, Increased Calcium Salts, and Use of Cyclamic Acid

Notice is given that a petition has been filed by the Del Monte Corp., 215 Fremont Street, San Francisco, Calif. 94105, proposing that the standard of identity for canned tomatoes (21 CFR 53.40) be amended to provide for (in addition to

the presently permitted tomato ingredients and optional ingredients);

1. Optional cut forms of the tomato ingredient; namely, diced, sliced, or wedges with required label declaration of the form used.

2. Optional increased use of calcium salts when the tomato ingredient is diced, sliced, or wedge-shaped, to a maximum of 0.05 percent of the food.

3. Optional use of cyclamic acid when the tomato ingredient is diced, sliced, or wedge-shaped, to a maximum of 0.026 percent of the food: *Provided*, That when cyclamic acid is used nutritive sweeteners may not be used and that label declaration is required if cyclamic acid is used.

4. Optional modification of the name of the food by the word "whole" when not less than 80 percent of the drained weight consists of whole tomatoes.

Grounds given in the petition in support of the proposal are that:

1. The industry is now producing cut forms of canned tomatoes and these should conform to a standard of identity.

2. The Draft Provisional Standard for Canned Tomatoes proposed by the Codex Alimentarius Commission provides for various forms of the tomato ingredient.

3. New varieties of tomatoes have been developed which permit the canning of cut forms that can be used by the consumer in salads, as garnishments, etc., where a distinct form is desirable. In the past such forms were available only as a result of the consumer cutting fresh tomatoes which are available only in season or at high cost out of season.

4. No change is proposed in the standard of quality (21 CFR 53.41). The drained weight of cut forms (as well as uncut) would be not less than 50 percent of the weight of water required to fill the container.

5. To assure that cut forms maintain their shapes, a level of calcium higher than permitted by the present standard is necessary.

6. Cyclamic acid simultaneously provides acidification, sweetness, and flavor enhancement. When cyclamic acid is used, a nutritive sweetener need not be used and, as proposed, is not to be used. Taste panels have concluded that the flavor of canned tomatoes prepared with cyclamic acid but without nutritive sweeteners is acceptable.

7. There would be no representation in the labeling for special dietary use due to the addition of cyclamic acid.

8. Test marketing by the petitioner under a temporary permit has revealed a definite consumer acceptance of tomato wedges prepared with cyclamic acid.

9. The Codex draft standard provided that the name of the food may include the term "whole" if not less than 80 percent of the drained tomatoes are whole or almost whole.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 23, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7685; Filed, June 30, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-39]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Bloomington, Ind.

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

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

Since designation of controlled airspace at Bloomington, Ind., the instrument approach procedures for Monroe County Airport have been altered. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Bloomington, Ind., control zone and transition area to adequately protect aircraft executing the altered approach procedures and to comply with the new control zone and transition area criteria.

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

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

BLOOMINGTON, IND.

Within a 5-mile radius of Monroe County Airport (latitude 39°08'25" N., longitude 86°37'00" W.); within 3 miles each side of the Bloomington VORTAC 181° radial, extending from the 5-mile radius zone to 10½ miles south of the VORTAC; within 3 miles each side of the Bloomington VORTAC 062° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC; within 3 miles each side of the Bloomington VOR TAC 341° radial; extending from the 5-mile radius zone to 10½ miles north of the VOR TAC; and within 3 miles each side of the Bloomington VORTAC 236° radial, extending from the 5-mile radius zone to 9½ miles southwest of the VORTAC. 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.

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

BLOOMINGTON, IND.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monroe County Airport (latitude 39°08'25" N., longitude 86°37'00" W.); within 5 miles each side of the Bloomington VORTAC 062° radial, extending from the 7-mile radius area to 14 miles northeast of the VORTAC; within 5 miles each side of the Bloomington VORTAC 181° radial, extending from the 7-mile radius area to 12 miles south of the VORTAC; within 5 miles each side of the Bloomington VORTAC 341° radial, extending from the 7-mile radius area to 12 miles north of the VORTAC; and within 3 miles each side of the Bloomington VOR TAC 236° radial, extending from the 7-mile radius area to 10½ miles southwest of the VORTAC.

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

Issued in Kansas City, Mo., on June 12, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-7691; Filed, June 30, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-43]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to alter the control zone and transition area at Glasgow, Mont.

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

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

The State of Montana has assumed ownership and operation of the Frontier Airlines radio beacon located on the Glasgow, Mont., International Airport. Two new public use instrument approach procedures have been developed for this airport utilizing this radio beacon as a navigational aid. In addition, the existing special instrument approach procedures at this airport are being canceled. Also, the criteria for the designation of control zones and transition areas have been changed. Accordingly, it is necessary to alter the Glasgow, Mont., control zone and transition area to provide controlled airspace for the protection of aircraft executing the new approach procedures, to delete that airspace now protecting the procedures which are being canceled and to comply with the new controlled airspace criteria. The new procedures will become effective and the existing airline special instrument approach procedures canceled concurrently with the alteration of the control zone and transition area.

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

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

GLASGOW, MONT.

Within a 5-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); and within 2½ miles each side of the 342° bearing from Glasgow International Airport, extending from the 5-mile radius zone to 5½ miles north of the airport.

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

GLASGOW, MONT.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); and within 1½ miles each side of the Glasgow VOR 195° radial, extending from the 9-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the Glasgow VOR 195° and 015° radials, extending from 6 miles south to 18½ miles north of the VOR; within 4½ miles south and 9½ miles north of the 112° bearing from Glasgow International Airport, extending from the airport to 18½ miles east of the airport; within 4½ miles east and 9½ miles west of the 342° bearing from Glasgow International Airport, extending from the airport to 18½ miles north of the airport; and within 5 miles each side of the 162° bearing from Glasgow International Airport, extending from the airport to 12 miles south of the airport.

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

Issued in Kansas City, Mo., on June 12, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-7692; Filed, June 30, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-45]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the description of the Rawlins, Wyo., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The criteria for establishment for control zones and transition areas has been changed. Accordingly it is necessary to alter these areas to conform to the new criteria.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 (34 F.R. 4557) the description of the Rawlins, Wyo., control zone is amended by adding "* * * and within 2 miles each side of the 269° bearing from the Sinclair RBN extending from the 5-mile radius to the radio beacon."

In § 71.181 (34 F.R. 4637) the Rawlins, Wyo., transition areas are amended to read:

RAWLINS, WYO.

That airspace extending upward from 700 feet above the surface within 5 miles each side of the 089° bearing from the Sinclair RBN extending from the RBN to 11.5 miles east; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 6 miles south of the 089° to/from bearing of the Sinclair RBN extending from 8 miles west to 18.5 miles east of the RBN.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-7693; Filed, June 30, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-46]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that will alter the description of the Cherokee, Wyo., transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Criteria for the establishment of transition areas has been changed. Accordingly it is necessary to alter this area to conform to the new criteria.

In consideration of the foregoing the FAA proposes the following airspace action:

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

CHEROKEE, WYO.

That airspace extending upward from 1,200 feet above the surface within 9 miles south and 6 miles north of the Cherokee VORTAC 261° and 081° radials extending to 8 miles northeast and 19 miles southwest of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 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 Los Angeles, Calif., on June 23, 1996.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-7696; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-53]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Gadsden, Ala., 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, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. 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 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 Gadsden 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 Gadsden Municipal Airport.

The application of current airspace criteria appropriate to Gadsden Municipal Airport requires an increase in the transition area basic radius circle from 8 to 11.5 miles. Additionally, it permits the revocation of the extension predicated on the Gadsden 233° radial.

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 19, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-7695; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-40]

TRANSITION AREA

Proposed Designation

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

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

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

A new public use instrument approach procedure has been developed for the Farmington, Mo., Municipal Airport, utilizing the Farmington VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Farmington, Mo. The new procedure will become effective concurrently with the designation of the transition area.

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

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

FARMINGTON, MO.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Farmington Municipal Airport (latitude 37°45'45" N., longitude 90°26'30" W.); and within 1½ miles each side of the Farmington VORTAC 300° radial, extending from the 9-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Farmington VORTAC 120° and 300° radials, extending from 5½ miles northwest to 18½ miles southeast of the VORTAC, excluding the portion which overlies the Perryville, Mo., transition area.

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

Issued in Kansas City, Mo., on June 12, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-7697; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-44]

TRANSITION AREA

Proposed Designation

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

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:

WARREN, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Warren Municipal Airport (lat. 33°33'50" N., long. 92°05'00" W.), and within 2 miles each side of the Monticello VORTAC 271° radial extending from the 5-mile radius area to 16 miles west of the VORTAC.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at the Warren Municipal Airport. The easterly extension to the proposed transition area is based on the Monticello VORTAC 271° true (265° magnetic) radial.

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 20, 1969.

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

[F.R. Doc. 69-7698; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-43]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Aurora State Airport, Oreg.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A new VOR/DME approach and departure procedure has been developed for Aurora Airport utilizing the Newberg, Oreg., VORTAC. The transition area is required to provide controlled airspace protection for aircraft executing these instrument procedures.

In consideration of the foregoing the FAA proposes the following airspace action.

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

AURORA, OREG.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Aurora State Airport (latitude 45°15'00" N., longitude 122°46'10" W.) and within 2.5 miles each side of the 125° radial of the Newberg VORTAC, extending from the 5-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the 305° radial of the Newberg VORTAC, extending from the VORTAC to 18.5 miles northwest of the VORTAC.

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

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

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-7699; Filed, June 30, 1969; 8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 69-EA-71]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations which would raise the ceiling of the Lake Erie, Ohio, Restricted Area R-5505 from 2,600 feet MSL to 6,000 feet MSL.

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, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. 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.

The using agency of R-5505 is the Commanding Officer, U.S. Naval Air Station, Grosse Ile, Mich.

The 4413th Combat Crew Training Squadron, Tactical Air Command (TAC), Lockbourne AFB, Ohio, shares the use of the area. Their training requirements involve aircraft using sidefiring Gatling guns simulating operating conditions in Southeast Asia. However, the Department of the Air Force has stated that to properly perform this mission the aircraft must be able to operate freely up to 6,000 feet MSL. The Air Force further stated that this change is considered a temporary requirement and that the airspace would revert to its present profile when the requirement no longer exists. The Department of the Navy concurs in this proposal.

If this action is taken the ceiling of the Lake Erie, Ohio, Restricted Area R-5505 would be raised from 2,600 feet MSL to 6,000 feet MSL.

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

Issued in Washington, D.C., on June 24, 1969.

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

[F.R. Doc. 69-7694; Filed, June 30, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 81, 83, 85]

[Docket No. 18577; FCC 69-689]

RADIOTELEGRAPH TRANSMITTERS ABOARD SHIP AND AT COAST STATIONS

Uniform Program and Schedule of Dates for Type Acceptance

In the matter of amendment of Parts 81, 83, and 85 to provide a uniform program and schedule of dates for type

acceptance of radiotelegraph transmitters aboard ship, in the band 535–27,500 kc/s, and at coast stations, in the bands below 27.5 Mc/s; Docket No. 18577.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The World Administrative Radio Conference (WARC) on marine matters, Geneva, 1967, convened by the International Telecommunication Union, reduced channel spacing in the radiotelegraph bands, adopted technical standards for narrow-band direct-printing telegraph and data transmission systems, and tightened frequency tolerances for several of the Maritime Mobile Services.

3. In Docket No. 18218, the Commission amended its rules to rearrange radiotelegraph channels based on the WARC channel spacing. As an integral part of the WARC and Commission channel rearrangement, to assure that ship station emissions remained within the new channels, the Commission also adopted a tighter frequency tolerance. Further, with the reduction in channel spacing, the need for compliance with the Commission's spurious emission limitations increased, i.e., there is an increase in the number of channels adversely affected by noncompliance with the spurious emission requirements.

4. In the proceedings in Docket No. 10887 (1956–1957), applicable to the maritime services (Parts 81, 83, and 85) on frequencies below 30 Mc/s, the Commission amended its rules to include a program for type acceptance of radiotelephone transmitters, and other provisions relating to bandwidth and spurius emissions. A program for type acceptance of radiotelegraph ship station transmitters was not included in that proceeding. In regard to these transmitters, the rules adopted in Docket No. 10887 require that all radiotelegraph ship station transmitters brought into use after January 1, 1959, comply with the new tolerance levels for attenuation of spurious emissions. Radiotelegraph ship station transmitters installed prior to January 1, 1959, were exempt from compliance with the new spurious emission limitations.

5. In the main, these exempt radiotelegraph transmitters, installed during the 1940's, have enjoyed some 20 years of service; 12 years of which have elapsed since adoption, in 1956, of the Commission's spurious emission limitations. In regard to U.S. treaty obligations under the ITU International Radio Regulations, Geneva, 1959, these radiotelegraph transmitters do not conform[1] to (a) the tolerance level of spurious emissions applicable to transmitters installed prior to January 1, 1964, or (b), to the tolerance level applicable to all transmitters after January 1, 1970. Thus, as concerns U.S. registry ship stations employing these radiotelegraph transmitters, they are operated in derogation of that treaty.

[1] Based on comments filed in response to Docket No. 10887.

6. Similar to the situation above-described for radiotelegraph ship station transmitters, the rules do not currently require that radiotelegraph transmitters used at coast stations be type accepted. Further, in regard to attenuation of spurious emissions, the current rules are applicable only to transmitters which are type accepted. Since radiotelegraph coast station transmitters are not type accepted, they are not required to conform to the spurious emission limitations set forth in Part 81.[2]

7. In order to carry out its responsibilities, it is necessary for the Commission to ascertain that the equipment involved is capable of meeting the technical operating standards set forth in applicable statutes, treaties and the Commission's rules and regulations. Accordingly, the Commission proposes in the instant proceeding to extend the type acceptance requirement to radiotelegraph transmitters used aboard ship, in the band 535–27,500 kc/s, and at coast stations, in the bands below 27.5 Mc/s.

8. Ship station radiotelegraph transmitters would be required to be type accepted if first installed on or after January 1, 1971. Ship radiotelegraph transmitters installed before January 1, 1971, would be required to be type accepted effective January 1, 1973.

9. Coast station radiotelegraph transmitters would be required to be type accepted if first installed after January 1, 1971. Coast radiotelegraph transmitters installed prior to January 1, 1971, would be required to be type accepted by January 1, 1973.

10. The proposed amendments to the rules as set forth below are issued pursuant to the authority contained in sections 4(i) and 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 4, 1969, and reply comments on or before August 14, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may take into account other relevant information before it, in addition to the specific comments invited by this notice.

12. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: June 25, 1969.

Released: June 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[2] It should be noted that the applicability of § 83.136(c), as proposed, has been extended to apply, also, to ship station radiotelegraph transmitters operating on frequencies below 535 kc/s.

[3] Commissioner Bartley absent.

A. Part 81, Stations on Land in the Maritime Services is amended as follows:

1. In § 137, the headnote is amended and a new paragraph (d) is added to read as follows:

§ 81.137 Acceptability of transmitters for licensing.

* * * * *

(d) Each radiotelegraph transmitter operating on frequencies below 27.5 Mc/s and authorized for use at coast radiotelegraph station (other than transmitters authorized solely for developmental stations) after January 1, 1971, must be type accepted by the Commission: *Provided, however,* That nontype accepted transmitters installed at coast radiotelegraph stations and operating on any frequency below 27.5 Mc/s prior to January 1, 1971, may continue to be used until January 1, 1973.

B. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. Section 83.136 is revised to read as follows:

§ 83.136 Emission limitations.

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, the mean power of emissions originating in transmitters authorized under this part (except radiotelegraph survival craft transmitters and transmitters authorized solely for developmental stations) shall be attenuated below the mean power of the transmitter in accordance with the following schedule:

(1) When using emissions other than A3A, A3B, A3H, and A3J:

(i) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels.

(2) When using emissions A3A, A3B, A3H, or A3J:

(i) On any frequency removed from the assigned frequency by more than 50 percent up to and including 150 percent of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the assigned frequency by more than 150 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels.

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least 43 plus 10 $\log_{10}$ (mean power in watts) decibels.

(b) When an emission outside of the authorized emission bandwidth causes harmful interference to an authorized service the Commission may require more attenuation of such emission than specified in paragraph (a) of this section.

(c) The requirements of paragraph (a) of this section shall be applicable to

radiotelegraph transmitters operating on any frequency assignment below 30 Mc/s:

(1) Which are first installed after January 1, 1971; and

(2) On January 1, 1973, to transmitters which were installed prior to January 1, 1971.

2. In § 83.139, paragraph (b) is amended to read as follows:

§ 83.139 Transmitters required to be type accepted for licensing.

* * * * *

(b) Each radiotelegraph transmitter first authorized to operate in the band 535–27,500 kc/s after January 1, 1971, for use in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations), and, after January 1, 1973, all radiotelegraph transmitters operating in the band 535–27,500 kc/s shall be of a type which has been type accepted by the Commission.

C. Part 85, Public Fixed Stations and Stations of the Maritime Services in Alaska.

1. In § 85.156, a new paragraph (c) is added to read as follows:

§ 85.156 Acceptance of transmitters for licensing in the fixed service.

* * * * *

(c) Each radiotelegraph transmitter first authorized in an Alaska-public fixed station after January 1, 1971, for operation on a frequency assignment below 27.5 Mc/s and subject to this part (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission: *Provided, however,* That nontype accepted transmitters installed at an Alaska public-fixed station prior to January 1, 1971, may continue to be used until January 1, 1973.

[F.R. Doc. 69-7741; Filed, June 30, 1969; 8:49 a.m.]

[47 CFR Parts 83, 85]

[Docket No. 18576; FCC 69-688]

COMPULSORILY FITTED MF RADIOTELEGRAPH SHIPS

Program and Schedule of Dates for Increasing Required Output Power of Transmitters Where Vertical Antenna(s) Are Employed

In the matter of amendments of Parts 83 and, consequentially, 85 to provide a program and schedule of dates for increasing the required output power of transmitters where vertical antenna(s) are employed aboard compulsorily fitted MF radiotelegraph ships; Docket No. 18576.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. A substantial proportion of the newer radiotelegraph installations aboard compulsorily fitted ships include a vertical antenna, which is used on medium frequencies (MF) in the band 405–525 kc/s, including the world-wide radiotelegraph distress and calling frequency 500 kc/s. The efficiency of this vertical antenna is substantially lower than the older wire type antenna. The older type antenna was, generally, high above deck and extended roughly two-thirds the length of the vessel. This is in contrast to the newer vertical antenna, which extends upwards from a deck to a height of approximately 40 feet.

3. The current rules specify, for mandatorily fitted radiotelegraph ships, that the output power of the MF transmitter on 500 kc/s, operating into an average ship station antenna, shall be not less than: For the main transmitter, 200 watts; and, for the reserve transmitter, 25 watts. These values of transmitter output power were determined in 1939 following lengthy considerations and have been in effect since that date. Accordingly, the Commission proposes, where the older antenna is used (i.e., an average ship station antenna: Part 83, §§ 83.552(b) and 83.553(b)), to retain the present transmitter output power values without change.

4. In the case of the newer vertical antenna, with its lower radiating efficiency, the above transmitter output powers will not generally produce the required field intensities (main: 30 mV/m at 1 mile; reserve: 10 mV/m at 1 mile) necessary to maintain parity with the 1939 values. On the basis of the measurement data currently available to the Commission, an increase in output power of approximately 6 decibels will be required to produce field intensities equal to the 1939 values, where a vertical antenna is used.

5. Under adverse weather conditions, the vertical antenna is also subject to power losses, as indicated by a reduction in antenna current. Presumably this effect is caused by losses at the vertical antenna base insulator caused by rain and salt water spray. Specific technical explanation of this loss is not available; however, pending availability of an explanation and possible reduction in the loss, it is proposed that the transmitter output power be increased by an additional 1 decibel, in partial compensation for this loss.

6. In this notice the Commission is proposing that the output power of radiotelegraph transmitters, operating in the frequency band 405–525 kc/s, aboard mandatorily fitted ships employing vertical antenna(s) be increased by 7 decibels, as follows:

Transmitter	*Power (watts) into FCC-approved vertical antenna (A1 emission)*
Main	[1] 1,000
Reserve	[1] 125

[1] Applicable to ship stations authorized by station license first issued after Jan. 1, 1971, and to all ship stations employing vertical antennas after Jan. 1, 1976.

Further, the Commission proposes, as in the past, to continue the practice of requiring demonstration of the capability of vertical antennas intended for use aboard vessels compulsorily fitted for radiotelegraphy.

7. In accordance with the provisions of Part 85, § 85.155, the rule amendments set forth below for Part 83 are also applicable to stations of the maritime services in Alaska.

8. The proposed amendments to the rules as set forth below are issued pursuant to the authority contained in sections 4(i) and 303 (e), (f) and (r) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 4, 1969, and reply comments on or before August 14, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: June 25, 1969.

Released: June 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

A. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In § 83.553, the table in paragraph (b) is amended to read as follows:

§ 83.552 Requirements for main transmitter.

* * * * *

(b) * * *

[1] Commissioner Bartley absent.

Operation carrier frequency	Frequency tolerance (parts in 10^6)	Class of emission	Percentage modulation (for amplitude modulation: A2 or A2H)	Modulation frequency (for amplitude modulation: A2 or A2H)	Antenna power
500 kc/s	1,000	A1, A2 or A2H	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Into average ship station antenna. Not less than 200 watts when a wire main antenna is used; or, not less than 1,000 watts when a vertical main antenna is used.[1]
410 kc/s and 2 authorized working frequencies in the band 415 to 525 kc/s.	1,000	A1, A2 or A2H	do	do	Do.

[1] Applicable to ship station transmitters employing vertical antennas first authorized by station license after Jan. 1, 1971, and to all ship stations employing vertical antennas after Jan. 1, 1976.

* * * * * * *

2. In § 83.553, the table in paragraph (b) is amended to read as follows:

§ 83.553 Requirements for reserve transmitter.

* * * * * * *

(b) * * *

Operating carrier frequency.	Frequency tolerance (parts in 10^6).	Class of emission.	Percentage modulation (for amplitude modulation: A2 or A2H).	Modulation frequency (for amplitude modulation: A2 or A2H)	Antenna power
500 kc/s	1,000 except for reserve transmitters whose use is confined solely to safety communications as defined in § 83.6(a). Such transmitters shall maintain a frequency tolerance of 3,000 parts in 10^6.	A2 or A2H.	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Into average ship station antenna: Not less than 25 watts when a wire main antenna is used; or, not less than 125 watts when a vertical main antenna is used.[1]
410 kc/s and 1 authorized working frequency in the band 415 to 525 kc/s.	do	A2 or A2H.	do	do	Do.

[1] Applicable to ship station transmitters employing vertical antennas first authorized by station license after Jan. 1, 1971, and to all ship stations employing vertical antennas after Jan. 1, 1976.

* * * * * * *

[F.R. Doc. 69-7742; Filed, June 30, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-361; Order 331]

REPORT OF BULK POWER SUPPLY INTERRUPTIONS

Notice of Proposed Rule Making

JUNE 23, 1969.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) that the Commission proposed to amend its Order No. 331 which requires all public utilities, licensees and other entities engaged in the generation or transmission of electric energy, whether or not otherwise subject to the jurisdiction of the Commission, to report on specified conditions concerning bulk power supply. The order applies equally to privately, publicly, and cooperatively owned systems.

2. The proposed amendments to Order No. 331 are the result of more than 2 years experience in receiving information under the original order, and will enable the Commission to be better informed on matters of concern in carrying out its responsibilities related to the reliability of the Nation's bulk power supply. The amendments will extend the reporting requirement to cover information on selected equipment failures and operating conditions which do not necessarily result in interruption of customer loads. The proposed amendments add new subparagraphs (2), (3), and (4) to § 148.58 (c) of the Commission's regulations under the Federal Power Act.

3. The Commission has the statutory responsibility, among other things, for encouraging actions to assure an abundant supply of electric energy throughout the country and is authorized by subsection 202(c) of the Federal Power Act to take appropriate action as in its judgment will best meet an emergency situation arising out of any failure of an adequate power supply. Under section 311 of the Act the Commission is responsible for reporting the problems and developments of the electric industry to Congress and is directed to collect information regarding the generation, transmission, distribution and sale of electric energy, however produced, and whether or not otherwise subject to its jurisdiction. The information which we are here proposing to require will enable us to carry out these responsibilities.

4. These amendments to the Commission's regulations are proposed to be issued under the authority of the Federal Power Act, as amended, particularly sections 202, 205, 206, 304, 307, 309, and 311 (49 Stat. 848, 851, 852, 855, 856, 858, 859, 16 U.S.C. 824a, 824d, 824e, 825c, 825f, 825h, 825j).

5. Accordingly, it is proposed to amend Part 141, Subchapter D, Chapter I, Title 18, § 141.58 of the Code of Federal Regulations as follows:

§ 141.58 Report of load shedding and/or service interruptions in bulk electric power supply and related power supply facilities.

(a) *Definitions.* (1) For the purpose of this section, a bulk electric power supply interruption shall be any interruption or loss of service to customers of any electric utility, licensee, or other entity engaged in the generation or transmission of electric energy caused by or involving an outage of any generating unit or of electric facilities operating at a nominal voltage of 69 kv. or higher. In determining the aggregate of loads which are interrupted, any load which is interrupted in accordance with the provisions of contracts permitting interruption in service shall not be included. If the interruption affects only a single ultimate customer, the interruption need not be reported. For the purpose of this section, a report or a part of a report may be made jointly by two or more entities.

(2) The proposed reports concerning actions to reduce power system loads apply to any measures taken to reduce loads whether through reduction of voltage, manual switching, or operation of automatic load-shedding devices.

(b) *Telephonic reports.* Every electric utility, licensee, or other entity engaged in the generation or transmission of electric energy shall report to the Commission's Washington office by telephone any loss in service for 15 minutes or more of bulk power supply to aggregate loads in excess of 200,000 kw. Calls should be placed as soon as practicable without unduly interfering with service restoration and, in any event, within one hour after the beginning of the interruption to Area code 202, number 962-1307. This number is in service at all times. The information supplied in the initial telephonic report should include at least the approximate territory affected by the interruption, the time of occurrence, an estimate of the number of customers and amount of load involved, whether any known critical services were interrupted, and an appraisal of the likely duration of the interruption. To the extent known or suspected, the report desirably will include a description of the initial incident resulting in the interruption. The Commission or the Chief of its Bureau of Power may require further reports during the period of interruption and restoration of service, such reports to be made

by telephone or telegraph or both, as required.

(c) *Telegraphic reports.* Every electric utility, licensee, and other entity engaged in the generation or transmission of electric energy shall report any event as described below to the Commission's Washington office by telegram addressed to the Chief, Bureau of Power, Federal Power Commission, 441 G Street NW., Washington, D.C. within 2 hours after the beginning of the event to be reported. Events requiring a report are as follows:

(1) Any loss in service for 15 minutes or more of bulk power supply to aggregate loads exceeding the lesser of 25,000 kw. or half of the current annual system peak load, and not required to be reported under paragraph (b) of this section. The information supplied shall include the approximate territory affected by the interruption, a description of the initial incident resulting in the interruption, cause of the interruption and an appraisal of the likely duration of load involved, and whether any known critical services were interrupted. The report should include the time of occurrence and the times of restoration.

(2) Any unscheduled outage, not reported under paragraph (b) of this section or subparagraph (1) of this paragraph, of a generating unit of 200,000 kw. and larger or 15 percent of the total system generating capacity if less than 200,000 kw., due to trouble which cannot be corrected within 24 hours. The information supplied shall include the location, rating, and type of unit; the cause and expected duration of the outage; the relative effect on reserve capacity margin and arrangements for substitute capacity, if any.

(3) Any situation requiring a previously unscheduled import of supplemental power because of a system condition which cannot be adjusted to permit a return to the normal interchange schedule within 24 hours. The information supplied shall include the cause and expected duration of the abnormal condition and the effect on generating capacity reserve margin. Where the aforementioned interchange transaction is handled on a power pool basis, the reporting requirement should be considered on a comparable basis.

(4) Any measures taken to reduce load because of a shortage of generating capacity, or insufficient reserves, whether through programs for utility or customer curtailment, reduction of voltage, manual switching, or the action of automatic load-shedding devices. The information supplied should include an explanation of the conditions leading to the reduction in load, the magnitude of the load reduction involved, how accomplished, and the expected duration.

Telephonic reports in lieu of telegraphic reports will be accepted (Area code 202, number 962-1307) if preferred by the respondent.

(d) *Report of details.* (1) If so directed by the Commission or the Chief, Bureau of Power, an entity experiencing a condition, as described in paragraphs (b) and (c) of this section, shall submit a full report of the circumstances surrounding such occurrence and the conclusions the entity has drawn therefrom. The report shall be filed at such time subsequent to the submittal of the initial report by telephone or telegraph as may be directed by the Commission or the Chief, Bureau of Power.

(2) The report shall be prepared in such detail as may be appropriate to the severity and complexity of the incident experienced and should include an account understandable to the informed layman in addition to the following technical and other information:

(i) The cause or causes of the incident clearly described, including the manner in which it was initiated.

(ii) A description of any operating conditions of an unusual nature preceding the initiation of the incident.

(iii) If the incident was an interruption and geographically widespread, an enumeration of the sequence of events contributing to its spread.

(iv) An account of the measures taken which prevented further spreading in the loss of service, e.g., manual or automatic load shedding, unit isolation, or system sectionalization. These actions and all chronicled events should be keyed to a record of the coincident power frequencies which occurred.

(v) A description of the measures taken to restore service with particular evaluation of the availability of start-up power and the ease of difficulty of restoration.

(vi) A statement of the capacity of the transmission lines into the area of load interruption, the generating capacity in operation in the area at the beginning of the disturbance, and the actual loading on the lines and generating units at that time.

(vii) A summary description of any equipment damage and the status of its repair.

(viii) An evaluation of the impact of any load reduction or interruption on people and industries in the affected area, including a copy of materials in the printed news media indicative of the impact.

(ix) Information on the steps taken, being taken, or planned by the utility, to prevent recurrence of conditions of a similar nature, to ease problems of service restoration, and to minimize impacts on the public and the customers of any future conditions of a similar nature.

(Secs. 202, 205, 206, 304, 307, 309, 311, 49 Stat. 848, 851, 852, 855, 856, 858, 859; 16 U.S.C. 824a, 824d, 824e, 824f, 825c, 825f, 825h, 825j)

6. Any interested person may submit in writing to the Federal Power Commission, Washington, D.C. 20426, not later than July 28, 1969, data, views, comments, and suggestions concerning the proposed amendments to reporting requirements. An original and 14 conformed copies of any such submittal should be filed.

7. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7701; Filed, June 30, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 75 (Rev. 3)]

ASSISTANT REGIONAL COMMISSIONER (APPELLATE) ET AL.

Delegation of Authority Regarding Offers in Compromise

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150–25 dated June 1, 1953, as amended by Order No. 180 dated November 17, 1953, and Order No. 150–36 dated August 17, 1954, 26 CFR 301.7122–1 and 26 CFR 301.7701–9, it is hereby ordered:

1. Each Assistant Regional Commissioner (Appellate), and each Chief and Associate Chief, Appellate Branch Office, is authorized to determine the disposition to be made of any offer in compromise submitted under the provisions of section 7122 of the Internal Revenue Code of 1954, in which (a) the proponent does not agree with the rejection or proposed rejection of the offer in the district office, the Office of International Operations or a Service Center and requests regional Appellate Division consideration or (b) the liability was previously determined by a regional Appellate Division and the offer is based in whole or in part on doubt as to liability. Each Assistant Chief, Appellate Branch Office, is authorized to determine the disposition to be made of any such offer in compromise in which the unpaid amount of tax (including any interest, penalty, additional amount or addition to the tax) is $50,000 or less.

2. A determination by regional Appellate Division officials to accept an offer (other than one involving specific penalties only) pursuant to paragraph 1 above will be subject to my approval if the unpaid amount of tax (including any interest, penalty, additional amount or addition to the tax) is $100,000 or more.

3. The authorities delegated herein may not be redelegated and are not applicable to cases arising under tax laws relating to wagering, narcotics, marihuana, alcohol, tobacco or firearms (other than firearms taxes imposed by sections 4181 and 4182 of the Internal Revenue Code of 1954 and sections 2700 and 3407 of the Internal Revenue Code of 1939) or to offers in compromise coming within the jurisdiction of the Chief Counsel under existing procedures, rules or delegation.

4. This order supersedes Delegation Order No. 75 (Rev. 2), issued June 14, 1963.

Date of issue: June 27, 1969.

Effective date: June 27, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 69-7739; Filed, June 30, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AREA DIRECTORS ET AL.

Delegations of Authority; Exceptions; Correction

JUNE 24, 1969.

On page 9038 of the Friday, June 6, 1969, issue of the FEDERAL REGISTER, section (4)(a) under Part 10 BIAM 3.3 should be corrected to read as follows:

(a) Approval of mortgages or deeds of trust of individually-owned trust or restricted land executed pursuant to 25 CFR 121.61 given to secure loans.

J. L. NORWOOD,
Acting Deputy Commissioner.

[F.R. Doc. 69-7682; Filed, June 30, 1969; 8:45 a.m.]

[Phoenix Area Office Redelegation Order 3]

SUPERINTENDENTS, PHOENIX AREA OFFICE, ET AL.

Delegation of Authority

Phoenix Area Office Redelegation Order 1, 20 F.R. 992, as amended, is hereby revoked and the following is substituted therefor:

PHOENIX AREA OFFICE REDELEGATION ORDER 3

PART 1—GENERAL

Sec.

1.1 Authorities from the Area Director.
1.2 Future delegations.
1.3 Limitations.
1.4 Appeals.
1.5 Exceptions.
1.6 Authority of Assistant Area Directors.

PART 2—AUTHORITY TO SUPERINTENDENTS FUNCTIONS RELATING TO SPECIFIC PROGRAMS

SOCIAL SERVICES

2.1 Approval of sentences.
2.2 Appointment, approval and removal of judges.
2.3 Relocation services to Indians.

LANDS AND MINERALS

2.11 Rights-of-way.
2.12 Tax exemption certificates.
2.13 Adoption or application of State or local laws.
2.14 Preservation of antiquities.
2.15 Revocation of departmental reserves.
2.16 Mineral leasing.
2.17 Oil and gas leasing, Uintah and Ouray.
2.18 Surface leases, terms to 10 years.
2.19 Surface leases, terms to 51 years.
2.20 Homesite leases, tribal lands.
2.21 Residential leases, Fort Apache.
2.22 Residential leases, Colorado River.
2.23 Title transfers.
2.24 Sales of improvements on tribal lands.

SOIL AND MOISTURE CONSERVATION

2.40 Soil and moisture conservation.

IRRIGATION

2.50 Approval of purchase price.

CREDIT AND FINANCING

2.60 Loan agreements and modifications.
2.61 Enforcement terms, loan agreements.
2.62 Approval of articles and bylaws, cooperative associations.
2.63 Amendments of charters.
2.64 Approval of partial releases and satisfactions.
2.65 Accounting and records systems.
2.66 Default.
2.67 Revolving cattle pool.
2.68 Loan security.
2.69 Assignments of trust property.
2.70 Release of U.S. interests.

INDIAN TRADERS

2.80 Traders licenses.

TESTIMONY OF EMPLOYEES

2.85 Testimony of employees.

FOREST AND RANGE MATTERS

2.90 Timber sale contracts.
2.91 Fire suppression.
2.92 Administration of cooperative agreements.
2.93 Prevention of waste.
2.95 Waiver of technical defects.
2.96 Grazing privileges.
2.97 Sales of grazing privileges.

CONVEYANCE OF BUILDINGS AND IMPROVEMENTS

2.110 Conveyance of buildings and improvements.

FUNDS AND FISCAL MATTERS

2.120 Individual Indian moneys.
2.121 Approval of employment of attorneys for individual Indians.
2.122 Acceptance of donations.

ROADS

2.130 Closing of roads.
2.131 Transfer of jurisdiction for maintenance to States.
2.132 Agreements for cooperation in construction, etc. with State.

PART 3—FUNCTIONS RELATING TO SPECIFIC LEGISLATION

3.1 Authority Under Act of August 27, 1954 (63 Stat. 868).

PART 1—GENERAL

SECTION 1.1 *Authorities from the Area Director.* The authorities of the Commissioner of Indian Affairs delegated to the Area Director in 10 BIAM

3 are hereby redelegated to Superintendents in the Phoenix Area as set out herein. For the purposes of this redelegation order the term Superintendent means Agency Superintendents, School Superintendents, Project Engineer, Officer in Charge, and the official designated by the Area Director to administer Bureau activities relating to the Salt River Indian Community and the Fort McDowell Indian Community.

SEC. 1.2 *Future delegations.* This redelegation does not include future delegations of authorities from the Commissioner to the Area Director unless further provided.

SEC. 1.3 *Limitations.* The redelegation is not to be construed as depriving the Area Director of the authorities conferred upon him by the Commissioner.

SEC. 1.4 *Appeals.* Any action taken by any Superintendent pursuant to this order shall be subject to the right of appeal to the Area Director, Phoenix Area Office. Any such appeal shall be made and processed in accordance with 25 CFR 2, Appeals From Administrative Actions.

SEC. 1.5 *Exceptions.* The exceptions to the authorities delegated to the Area Director carried in 10 BIAM 3.3 also apply here.

SEC. 1.6 *Authority of Assistant Area Directors.* The Assistant Area Directors and persons authorized to act in their stead during their absence may severally exercise any and all authority of the Area Director.

PART 2—AUTHORITY TO SUPERINTENDENTS FUNCTIONS RELATING TO SPECIFIC PROGRAMS

SOCIAL SERVICES

SEC. 2.1 *Approval of sentences.* The approval of sentences imposed on Indian employees of the Bureau of Indian Affairs by Courts of Indian Offenses as provided in 25 CFR 11.2(d) and by Tribal Courts as provided any Law and Order Code.

SEC. 2.2 *Appointment, approval, and removal of judges.* The appointment, approval, and removal for cause of judges of Courts of Indian Offenses pursuant to the provisions of 25 CFR Part 11 and of judges of Tribal Courts as provided by any Law and Order Code. The approval of the appointment of judges of Tribal Courts as provided by any Law and Order Code.

SEC. 2.3 *Relocation service to Indians.* Approval of third (or more) request for relocation services for Indians applying under Employment Assistance Program. (25 CFR Part 34)

LANDS AND MINERALS

SEC. 2.11 *Rights-of-way.* All of the authority set forth in 25 CFR Part 161 Rights-of-Way over Indian Lands; provided the form of the instrument granting the particular type of right of way or easement has been approved by the Field Solicitor.

SEC. 2.12 *Tax exemption certificates.* The authority of the Area Director to issue tax exemption certificates covering lands designated as tax exempt under the provisions of the Act of June 20, 1936 (49 Stat. 1542) as amended by the Act of May 19, 1937 (50 Stat. 188).

SEC. 2.13 *Adoption or application of State or local laws.* The authority of the Area Director with regard to adoption or application of State or local laws regulating the use of property to trust or restricted property. Under this redelegation Superintendents may make applicable to trust or restricted Indian property, leased to or held or used by others under agreement, State or local laws only in those States which have assumed jurisdiction pursuant to the Act of August 15, 1953 (67 Stat. 588). As to such property located in States which have not assumed such jurisdiction, the Superintendent may adopt State or local laws only by appropriate provisions in the lease or other agreement.

SEC. 2.14 *Preservation of antiquities.* The authority of the Area Director relating to the excavation of ruins and archeological sites and the gathering of objects of antiquity on Indian reservations pursuant to 25 CFR Part 132.

SEC. 2.15 *Revocation of Departmental reserves.* The authority of the Area Director to revoke Departmental reserves of Indian lands for agency, school or other administrative purposes under the jurisdiction of the Bureau of Indian Affairs, when the Superintendent determines such lands are no longer needed for the purposes for which they were set aside, and the restoration of jurisdiction over the lands to the tribe: *Provided*, That before such action is taken the Area Title Plant and/or the Field Solicitor has examined title.

SEC. 2.16 *Mineral leasing.* The authority of the Area Director relating to the leasing or permitting of tribal or individually owned Indian lands for the following minerals: Coal, sand, gravel, pumice, and building stone. This authority does not apply to lands purchased or reserved for agency, school, or other administrative purposes. Also, this authority does not apply in the case of leases or permits of such lands for coal to matters involving (1) the payment of overriding royalty, and (2) assignments of separate horizons or strata of the subsurface.

SEC. 2.17 *Oil and gas leasing, Uintah and Ouray.* To the Superintendent of the Uintah and Ouray Agency only, the authority of the Area Director relating to oil and gas leases on tribal or individually owned Indian lands. This authority does not apply to:

(1) Lands purchased or reserved for agency, school, or other administrative purposes; and,

(2) Modification of any forms approved by the Commissioner.

SEC. 2.18 *Surface leases, terms to 10 years.* The authority of the Area Director relating to surface leases for terms up to ten (10) years pursuant to 25 CFR Part 131.

SEC. 2.19 *Surface leases, terms to 51 years.* To the Superintendents of the Nevada, Uintah and Ouray, and Pima Agencies only, the authority of the Area Director relating to surface leases for terms up to fifty-one (51) years pursuant to 25 CFR Part 131.

SEC. 2.20 *Homesite leases, tribal lands.* The authority of the Area Director relating to leases of tribal lands for homesite purposes to members of the tribe or to tribal housing authorities.

SEC. 2.21 *Residential leases, Fort Apache.* To the Superintendent, Fort Apache Agency only, the authority of the Area Director relating to residential leases for a 25-year term for the Hawley Lake and Hondah areas on the Fort Apache Reservation, provided, the lease forms specifically approved for such leases are used.

SEC. 2.22 *Residential leases, Colorado River.* To the Superintendent Colorado River Agency only, the authority of the Area Director regarding residential leases for terms up to twenty-five (25) years of lands in the Bluewater Subdivision on specifically approved forms.

SEC. 2.23 *Title transfers.* To the Superintendents of the Nevada, Uintah and Ouray, and Pima Agencies only, the authority of the Area Director concerning acquisitions, partitions, exchanges, and sales except sales to non-Indians; subject to the conditions:

(1) That when fee lands are being acquired the case will be referred to the Field Solicitor's Office for title examination; and,

(2) That fair market value is received by Indian owners of trust or restricted lands affected by any transaction made under this atuhority.

SEC. 2.24 *Sales of improvements on tribal lands.* The approval, with tribal consent, of sales of improvements made upon tribal lands by individual Indians.

SOIL AND MOISTURE CONSERVATION

SEC. 2.40 *Soil and moisture conservation.* Soil and Moisture Conservation operations on Indian lands, pursuant to the President's Reorganization Plan IV of 1940 (54 Stat. 1235), and the Soil Conservation Act of April 27, 1935 (16 U.S.C. sec. 590a), and subject to the coordination and general supervision of the office of the secretary except:

(a) Approval of loans or grants of equipment.

(b) Approval of forms.

(c) Modification of any forms approved by the Commissioner of Indian Affairs.

IRRIGATION

SEC. 2.50 *Approval of purchase price.* The approval of purchase price of privately owned lands within the San Carlos Irrigation Project, Ariz., under Authority of the section 4 of the Act of June 7, 1924 (43 Stat. 475)

CREDIT AND FINANCING

SEC. 2.60 *Loan agreements and modifications.* The approval of applications for an modifications of loans to individuals subject to the availability of funds pursuant to 25 CFR Part 91.

SEC. 2.61 *Enforcement terms, loan agreements.* The taking of necessary steps upon failure of any cooperative to conform to the terms of its loan agreement, pursuant to 25 CFR Parts 91 and 92.

SEC. 2.62 *Approval of articles and bylaws, cooperative associations.* The approval of articles of associations and bylaws of cooperative associations under State laws and amendments thereof, where such organizations are indebted to or are applying for loans from the United States, Corporations, Tribes, or bands.

SEC. 2.63 *Amendment of charters.* The amendment or revocation of charters of cooperative associations only.

SEC. 2.64 *Approval of partial releases and satisfactions.* The approval of partial releases and satisfactions of mortgages given as security for loans from the United States made pursuant to 25 CFR Part 91.

SEC. 2.65 *Accounting and records systems.* The inspection of approved accounting and records systems of incorporated and unincorporated tribes and bands, corporate and tribal enterprises, cooperatives, and credit associations, pursuant to 25 CFR Part 91.

SEC. 2.66 *Default.* The taking of any steps authorized by 25 CFR 91.10 in case of default of individual borrowers from the United States.

SEC. 2.67 *Revolving cattle pool.* (a) The sale of cattle repaid to the United States pursuant to the provisions of 25 CFR 92.17.

(b) The acceptance of cash in lieu of obligations to the United States for cattle, pursuant to the provisions of 25 CFR 92.18.

SEC. 2.68 *Loan security.* The approval of mortgages of trust chattels and crops on trust or restricted lands of an Indian, and assignments of income from trust or restricted land of an Indian, as security for a loan by any lender.

SEC. 2.69 *Assignments of trust property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases of any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indian's indebtedness, for a loan made pursuant to 25 CFR Parts 91 and 92.

SEC. 2.70 *Release of U.S. interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

INDIAN TRADERS

SEC. 2.80 *Traders licenses.* The issuance of licenses to traders with the Indian Tribes and the removal and revocation of licenses pursuant to 25 CFR Parts 251 and 252.

TESTIMONY OF EMPLOYEES

SEC. 2.85 *Testimony of employees.* The granting of permission to Bureau of Indian Affairs employees to testify in administrative or judicial proceedings pursuant to the provisions of 43 CFR 2.6.

FOREST AND RANGE MATTERS

SEC. 2.90 *Timber sale contracts.* (a) Issue advertisements, approve, and administer timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed five (5) million feet board measure.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments under authority of an approved general contract.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

SEC. 2.91 *Fire suppression.* Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

SEC. 2.92 *Administration of cooperative agreements.* The administration of existing and the negotiation of and execution of new cooperative fire suppression agreements with Federal, State, and private agencies on adjacent lands.

SEC. 2.93 *Prevention of waste.* The taking of any action necessary to prevent waste of timber from fire, decay, windthrow, insect infestation, disease, or other natural catastrophe on Indian lands held in trust by the United States.

SEC. 2.95 *Waiver of technical defects.* The authority of the Area Director relating to the Waiver of Technical Defects in advertisements and proposals for the sale of grazing privileges.

SEC. 2.96 *Grazing privileges.* The authority of the Area Director relating to the approval of award, modification, assignment, and cancellation of grazing permits pursuant to 25 CFR Part 151 provided that permits approved at the beginning of a contract period according to schedule of allocated and advertised range units approved by the Area Director, and provided further that permits shall not be issued at a rental rate less than the minimum approved by the Area Director.

SEC. 2.97 *Sales of grazing privileges.* The authority of the Area Director relating to the negotiation of sales of grazing privileges subsequent to advertisement.

CONVEYANCE OF BUILDINGS AND IMPROVEMENTS

SEC. 2.110 *Conveyance of buildings and improvements.* The authority contained in the Act of August 6, 1956 (70 Stat. 1057). This Act permits the conveyance to Indian tribes of title to federally owned buildings and improvements (including personal property used in connection therewith) no longer required by the Bureau and also declaration of forfeiture of such conveyances.

FUNDS AND FISCAL MATTERS

SEC. 2.120 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

SEC. 2.121 *Approval of employment of attorneys for individual Indians.* The approval of the employment of attorneys for individual Indians and the determination and payment of fees paid on a quantum meruit basis from restricted or trust funds.

SEC. 2.122 *Acceptance of donations.* The acceptance of donations of funds or other property for the advancement of the Indian race and use of the donated property in accordance with the terms of the donation in furtherance of any program authorized by other provisions of law for the benefit of Indians pursuant to the Act of February 14, 1931 (46 Stat. 1106, 25 U.S.C., sec. 451 (1964)), as amended by the Act of June 8, 1968 (82 Stat. 171), Public Law 90–333.

ROADS

SEC. 2.130 *Closing of roads.* The authority to close roads when required for public safety, fire prevention or suppression, fish and game protection, or to prevent damage to unstable roadbed pursuant to 25 CFR 162.6.

SEC. 2.131 *Transfer of jurisdiction for maintenance to States.* Authority to enter into an agreement with a State for the transfer to the State of jurisdiction with respect to the maintenance of roads constructed or improved to adequate standards pursuant to 25 CFR 162.8.

SEC. 2.132 *Agreements for cooperation in construction, etc. with State.* Authority to enter into agreements with States for cooperation in construction, maintenance, repair, and improvement of roads subject to regulation in 25 CFR 162.9 providing for road facilities for both Indian lands that are not subject to taxation by a State and for other lands in such State. Authority, also, to enter into agreements with an Indian tribe for contribution from tribal funds pursuant to 25 CFR 162.9.

PART 3—FUNCTIONS RELATING TO SPECIFIC LEGISLATION

SEC. 3.1 *Authority under Act of August 27, 1954 (68 Stat. 868).* The Superintendent, Uintah and Ouray Agency, may exercise authority with respect to those matters in sections 12 and 22 of Public Law 671 (68 Stat. 868).

Dated: June 9, 1969.

W. WADE HEAD,
Area Director.

Approved: June 24, 1969.

J. LEONARD NORWOOD,
Acting Deputy Commissioner of Indian Affairs.

[F.R. Doc. 69-7683; Filed, June 30, 1969; 8:45 a.m.]

Bureau of Land Management

[Serial No. A 2909]

ARIZONA

Notice of Public Sale

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427, 43 CFR 2243.2), there will be offered at not less than the appraised value, at a public sale to be held at 10:30 a.m. on Friday, August 15, 1969, at the Land Office, Room 3204, Phoenix, Ariz., the following tracts of land:

Parcel No.	Township	Range	Sec.	Subdivision	Acreage	Approved value
1	20 N.	21 W.	6	Lot 4	44.07	44,000
2	20 N.	21 W.	6	Lot 3	43.23	41,000
3	20 N.	21 W.	6	Lot 2	43.54	39,000
4	20 N.	21 W.	6	Lot 1	43.84	37,300

Sealed or oral bids may be made by the principal or his agent. Bids for a parcel must be for all the lands in the parcel. Sealed bids will be considered only if received at Room 3022, Federal Building, 230 North First Avenue, Phoenix, Ariz., prior to 10:30 a.m. on August 15, 1969, and must be in sealed envelopes accompanied by certified checks, post office money orders, bank drafts, or cashiers' checks made payable to the Bureau of Land Management for the amounts of the bids. The envelopes must be marked in the lower left-hand corner "Publication Sale Bid, Parcel No. _____, Sale held August 15, 1969." The purchaser or purchasers will be required to pay immediately the amount of purchase price, plus the cost, if any, of publishing the announcement in the Mohave County Miner, Kingman, Ariz. Interested bidders may inquire at the Land Office any time after July 1, 1969, to ascertain the cost of publication.

The right is reserved at any time to determine that the lands should not be sold or that any and all bids should be rejected.

The lands will be sold subject to a reservation of all minerals to the United States, a reservation to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), and any other existing rights-of-way of records.

For further information, write Bureau of Land Management, Land Office Manager, 3022 Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

JUNE 24, 1969.

[F.R. Doc. 69-7686; Filed, June 30, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CLINICAL LABORATORIES IMPROVEMENT ACT OF 1967 AND COLLEGE OF AMERICAN PATHOLOGISTS

Stringency of Standards

Notice is hereby given that the standards applied by the Commission on Inspection and Accreditation of the College of American Pathologists in determining whether or not to accredit a laboratory have been found to be equal to or more stringent than the provisions of section 353 of the Public Health Service Act, 42 U.S.C. 263a, and the rules and regulations issued thereunder. It has been found also that there is adequate provision for assuring that such standards continue to be met by laboratories accredited by the Commission.

These findings are based upon a review of the standards described in the documents entitled "Standards for Accreditation of Medical Laboratories" (1968), "Inspection and Accreditation Program" (undated), "Confidential Report to Regional Commissioner by Inspector" (undated), "Recommended Standard Operating Procedures for Regional Commissioners" (September 1968), and "Surveys" (1969), submitted by the College of American Pathologists by letters dated December 18, 1968, and April 16, 1969.

The requirements of 42 CFR Part 74 for the issuance and renewal of licenses do not apply to laboratories which are accredited by the Commission on Accreditation of the College of American Pathologists and which hold an unrevoked and unsuspended letter of exemption issued pursuant to 42 CFR 74.46. Applications for such letter of exemption may be obtained from the Chief, Licensure and Performance Evaluation Section, Laboratory Division, National Communicable Disease Center, Atlanta, Ga. 30333, and should be filed promptly at that office. Provisions relating to termination of accreditation and applicability of the standards prescribed in 42 CFR Part 74 to accredited laboratories are contained in Subpart F; provisions relating to revocation, suspension, or limitation of licenses and letters of exemption are contained in Subpart H; and Subpart I has been reserved for hearings on proposed actions for revocation, suspension, or limitation of licenses and letters of exemption.

Dated: June 2, 1969.

DAVID J. SENCER,
Director, National Communicable Disease Center, Health Services, and Mental Health Administration.

Approved: June 19, 1969.

ALAN W. DONALDSON,
Acting Administrator, Health Services and Mental Health Administration.

[F.R. Doc. 69-7729; Filed, June 30, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-66]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from February 28, 1969, to May 22, 1969 (List No. 15-69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LIFEBOATS FOR MERCHANT VESSELS

The C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., Approval Nos. 160.035/9/2 and 160.035/28/2 expired and were terminated effective May 19, 1969.

The Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N.Y., Approval Nos. 160.035/94/2 and 160.035/88/2 expired and were terminated effective May 19, 1969.

The Lunn Laminates, Inc., Straight Path Road, Wyandanch, Long Island, N.Y. 11798, Approval No. 160.035/432/0 expired and was terminated effective May 22, 1969.

The Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J., Approval Nos. 160.035/299/1 and 160.035/342/1 expired and were terminated effective May 19, 1969.

BOILERS (HEATING)

The Way-Wolff Associates, Inc., 45-10 Vernon Boulevard, Long Island City, N.Y., Approval Nos. 162.003/151/0, 162.003/152/0, 162.003/153/0, and 162.003/154/0 expired and were terminated effective May 1, 1969.

BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED, PACKAGED, FOR MERCHANT VESSELS

The Clayton Manufacturing Co., Post Office Box 550, El Monte, Calif., Approval No. 162.026/3/0 expired and was terminated effective February 28, 1969.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

The Elliott and Hutchins Inc., Malone, N.Y. 12953, no longer manufactures certain backfire flame control gasoline engines and therefore Approval No. 162.041/103/0 was terminated effective May 12, 1969.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Sprayon Research Corp., 1101 Northeast 110th Street, Miami, Fla. 33161, termination of Approval No. 164.009/124/0 dated April 9, 1969; incorrect

number, see Approval No. 164.009/125/0, termination effective May 13, 1969.

Dated: June 25, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-7746; Filed, June 30, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21065; Order 69-6-136]

CATALINA AIR LINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on June 25, 1969.

The Postmaster General filed a notice of intent June 6, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 67 cents per great circle aircraft mile for the transportation of mail by aircraft between Santa Maria and Los Angeles, Calif.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beechcraft, Model D-18 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Catalina Air Lines, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 67 cents per great circle aircraft mile between Santa Maria and Los Angeles, Calif.

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14 (f):

It is ordered, That:

1. Catalina Air Lines, Inc., the Postmaster General, Air West, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Catalina Air Lines, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Catalina Air Lines, Inc., the Postmaster General, and Air West, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7740; Filed, June 30, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

CALIFORNIA GROWTH CAPITAL, INC.

Notice of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of California Growth Capital, Inc. (Cal-Growth), 1615 Cordova Street, Los Angeles, Calif. 90007, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 12/12-0023.

Cal-Growth was licensed on May 11, 1961, and is a public company registered under the 1940 Act. As of December 31, 1968, the paid-in capital and paid-in surplus from private sources totaled $2,391,163. There are 214,000 shares of issued and outstanding common stock held by approximately 500 shareholders. Jaser Development Co. (Jaser) has increased its equity interest in Cal-Growth to 50.8 percent by acquiring 38,709 shares held by Mr. C. W. Stroup and Mr. E. S. Brantner, Jr. Messrs. Stroup and Brantner each received a 17.8 percent interest in Jaser. Sero Amusement Co. and its affiliates (Cactus Corp. and Valley Drive-In Theater) own 64.4 percent of the equity securities of Jaser. The proposed transfer of control is subject to and contingent upon approval of SBA.

The proposed officers and directors are as follows:

Chairman of the Board—William H. Oldknow.
President, director—Matthew L. Post.
Vice president, director—Charles W. Stroup.
Secretary, director—Melvin S. Lebe.
Treasurer, director—Joseph Pietroforte.

DIRECTORS

Harold J. Rosoff.	Jerome E. Weisman.
Norman T. Ellett.	Joseph R. Territo.
Edward S. Brantner, Jr.	John Ferraro.
	Charles S. White.
John F. Anderson.	Karl G. Kappel.
Howard J. Broad.	

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner, and the probability of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in Los Angeles, Calif.

For SBA (pursuant to delegated authority).

Dated: June 18, 1969.

A. H. SINGER,
Associate Administrator
for Investment.

[F.R. Doc. 69-7718; Filed, June 30, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF SOUTH CAROLINA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of South Carolina for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of South Carolina and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the résumé is included in the complete text of the program. A copy of the program, including proposed South Carolina regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 25th day of June 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF SOUTH CAROLINA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of South Carolina is authorized under section 1-400.15 of the 1962 Code of Laws of South Carolina and cumulative supplement thereto to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of South Carolina certified on June 4, 1969, that the State of South Carolina (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use it best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulations of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 15, 1969, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ day of _____.

For the United States Atomic Energy Commission.

_____

Done at Columbia, S.C., in triplicate, this _____ day of _____.

For the State of South Carolina.

_____
Governor.

FOREWORD

South Carolina is dedicated to the purpose of protecting and improving the lot of its citizens. This dedication is realized, in part, by its full participation in the age of atoms, in due recognition of the many benefits to be derived from the peaceful uses of nuclear energy and its byproducts.

To discharge its responsibility to the citizens of this State to protect them from possible harmful effects of ionizing radiation, the 1967 General Assembly enacted the Atomic Energy and Radiation Control Act, which at one time recognizes the partnership that must exist between the fostering of nuclear enterprise and the protection against potential radiation hazards.

This Act authorizes the Governor to enter into an agreement with the Federal Government whereby certain regulatory functions now exercised by the Federal Government in the licensing and control of byproduct material, source material and special nuclear material in quantities not sufficient to create a critical mass will be transferred to the State.

The Act also designates the South Carolina State Board of Health as the agency which shall be responsible for the control of radiation sources. A complete regulatory program consistent with that conducted by the U.S. Atomic Energy Commission is authorized.

The following pages will present a description of past, present, and future activities of the State Board of Health in the field of Radiological Health, including the organization, procedures, and resources which will be brought to bear on the new responsibility assumed as a result of the aforementioned agreement.

History

As early as 1947 the South Carolina State Board of Health became aware of and concerned about the occupational exposure of workers to static eliminators. Over fifty of these devices were located, surveyed, and recommendations for shielding and access control were made. No leak-testing was performed as equipment was not available at the time.

Also at this time a program designed to reduce occupational exposure of shoe salesmen to X-rays from fluoroscopic shoe-fitting machines was instituted. This was later followed by more complete regulations covering all aspects of the use of these devices, and finally they were outlawed altogether. Ninety-six shoe-fitting machines in all were eliminated.

A voluntary X-ray program was begun in 1953, whereby services of the South Carolina State Board of Health were made available for the purpose of inspecting X-ray installations and recommending corrective actions where needed. This program received very good response, and during the period 1953–1966, 965 machines were inspected and 38 percent were found to be deficient in some respect. Eighty percent of these deficiencies were corrected as a result of recommendations and followup inspections. This included 662 dental SurPak examinations, resulting in the installation of 63 aluminum filters and 135 collimators. More recently, during the period in which more comprehensive radiation control regulations were being developed, a program of voluntary registration of X-ray machines was begun. By December 31, 1968, 1,269 X-ray machines were registered.

A radium management program was begun in 1965 when it was discovered that the radium storage facility in a large hospital was contaminated by a leaking source, which the hospital no longer possessed. The services of the South Carolina State Board of Health were offered in this area of concern, and this voluntary service resulted in the registration of 331 radium sources in 23 facilities totaling 2,352 milligrams. Of these sources, 254 have been leak-tested and 29 leaking sources have been detected. All owners of leaking sources of radium voluntarily disposed of the leaking radium sources or had them reencapsulated. The Agency provides assistance to radium users in the proper disposal of unwanted or leaking sources. Inspections were based on recommendations in NBS Handbook 73. A written report with recommendations was left with the users after each inspection. The degree of compliance with recommendations was 90 percent. Followup visits were made when indicated.

Another activity in the area of radioactive materials has been the accompanying of AEC Inspectors on the occasion of inspection visits to South Carolina. Within the last 8 years, South Carolina personnel have accompanied Atomic Energy Commission Inspectors on 75 percent of the inspections within the State. This has served the valuable purpose of familiarizing the staff with the inspection of licenses of radioactive materials, as well as the investigation of incidents involving licensed material.

In 1956, as a result of recommendations made by the Savannah River Advisory Board, the South Carolina Water Pollution Control Authority conservatively entered into an environmental monitoring program to determine the effect, if any, of the Savannah River Plant of the Atomic Energy Commission on the aquatic environment. Initially, this program consisted of one sampling point on the Savannah River below the plant effluent, which was subjected to gross alpha and beta analysis. Continuous paddlewheel samplers were later added at three locations, and more rigorous analytical procedures were employed, including specific isotope analysis and gamma spectroscopy when indicated by gross measurements.

The location of the Carolinas-Virginia Nuclear Power Associates' small power reactor at Parr, S.C., as well as the nuclear submarine repair facility at the Charleston Naval Shipyard prompted considerable expansion and sophistication of the environmental program to include over 150 sampling points, sampling air, water, precipitation, bottom muds and silt, vegetation, and milk. These samples were subjected to gross alpha and beta analysis, specific isotope analysis and gamma scans. Approximately 1,200 analyses per year were performed. The number of sampling points, as well as items sampled and analyzed underwent change as new nuclear installations were announced. Modern, well equipped laboratory facilities were provided for this work.

During the past year the responsibility for the environmental program was transferred to the South Carolina State Board of Health, in close cooperation with the South Carolina Pollution Control Authority.

Also during the past year regulations governing radioactive materials, X-ray machines and particle accelerators were adopted, after several meetings of the Technical Advisory Radiation Control Council, which met to consider in detail proposed regulations, and after public hearings to air the recommendations before the public. The Technical Advisory Radiation Control Council is a committee authorized by the Atomic Energy and Radiation Control Act to advise the State Board of Health on policy matters, including regulations.

Present Program

The present program of the Division of Radiological Health consists of initiating the activities authorized by the Atomic Energy and Radiation Control Act, and continuing environmental monitoring, expanding the scope of this operation to take care of the burgeoning nuclear industries announced for South Carolina.

Licensing of radium is now mandatory. All X-ray machines and particle accelerators were required to be registered by March 31, 1969. The portions of the program dealing with these requirements have begun.

The radium management inspection determines compliance with regulations and terms of the license. Items checked are shielding, storage, access control, posting of signs, records, leak-testing, survey meters, personnel monitoring, and transport equipment. Again, other recommendations of a helpful nature are made.

The environmental program consists of sampling the environment in the vicinity of nuclear installations existing, under construction or announced. Preoperational surveillance activities consist of determining radioactivity levels in environmental samples as a baseline against which to compare those levels found after operations commence. Surveillance around existing facilities is conducted to determine if there is any impact on the environment as a result of release of radioactivity. If gross alpha and beta determinations show an increase, gamma and alpha spectrometry or specific isotope analysis is used to determine the source. An experimental program to determine the efficacy of using thermo-luminescent dosimetry as an environmental monitor is being conducted.

Future Plans

Future plans will include extending the regulatory program to licensing and regulating the use of those radioactive materials presently under the purview of the U.S. Atomic Energy Commission, dependent upon signing an agreement with the Atomic Energy Commission. Details of the regulatory procedures and policies to be followed are given in a later section.

An in-house formal training program in radiological health will be conducted for new staff personnel on a scheduled basis, and will utilize outside instructors where they are available.

Scope of Problem

There are an estimated 2,000 X-ray units in South Carolina, approximately 600 of these being dental units. The number of Atomic Energy Commission licenses for byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass currently in effect is 142. There are 331 known radium sources in use at 23 facilities totaling 2,352 milligrams. Numerous particle accelerators exist in this State.

Four large commercial nuclear power reactors are under construction, three of them being at one location. Also under construction is a nuclear fuels fabrication plant. Announcements have been made by two separate companies of their intentions to construct a nuclear fuels reprocessing plant. Other installations which indicate the need for environmental surveillance activities are the Savannah River Plant of the Atomic Energy Commission and the nuclear submarine repair base at Charleston, S.C.

Organization and Staff

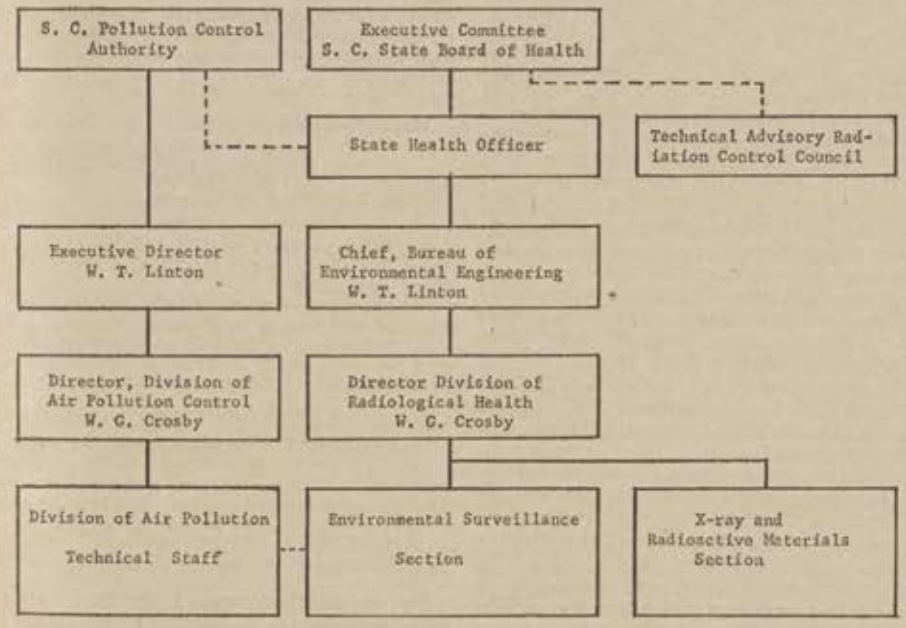
Under the provisions of the Atomic Energy and Radiation Control Act, the South Carolina State Board of Health is designated as the agency to exercise regulatory functions in radiological health. The organization of the State Board of Health is shown in Appendix, Chart 1. A Technical Advisory Radiation Control Council, appointed by the Governor, is also established. The purpose of this Council is to advise the State Board of Health on matters pertaining to ionizing radiation including standards, rules and regulations to be adopted, modified, promulgated or repealed by the Agency. Present membership of the Council is given in Table 1 of the appendix.

To assist the State Board of Health and staff in judging applications for nonroutine medical use of radioactive materials a Medical Advisory Committee has been appointed, the membership of which is shown in Table 2 of the appendix.

The functional radiological health program is operated by the Division of Radiological Health which, in turn, is a division of the Bureau of Environmental Engineering. The director of this division is also the director of the Division of Air Pollution Control, and spends his time equally divided between the

two divisions. In addition to State Board of Health staff members, experienced technicians are assigned to the Division of Radiological Health from the Bureau of Pollution Control to do work in environmental surveillance.

The line of authority and responsibility is shown on the accompanying diagram. The dotted line shown between the State Health Officer and the Pollution Control Authority indicates that he is, ex officio, Chairman of the Pollution Control Authority. There is also the statutory requirement that two additional members of the Authority be appointed from the Executive Committee of the State Board of Health. The dotted line between the Technical Staff of the Division of Air Pollution Control and the Environmental Surveillance Section of the Division of Radiological Health is intended to show the assignment of personnel and technical services by the Pollution Control Authority to the Division of Radiological Health.



REGULATORY PROCEDURES AND POLICY

Licensing and registration. The South Carolina State Board of Health has been designated the State Agency with the responsibility to develop an all-encompassing radiological health program in accordance with sections 1-400.11 through 1-400.16 of the 1962 Code of Laws of South Carolina and supplement thereto, the Atomic Energy and Radiation Control Act of South Carolina. The Division of Radiological Health has the responsibility for the operational phases of this program.

This program will regulate the safe use of all sources of ionizing radiation in the State including radium and accelerator produced nuclides, X-ray producing machines and particle accelerators. Certain small quantities of radionuclides as well as electronic devices which produce X-rays incidental to their operations in intensities insufficient to constitute a health hazard will be exempt. Licensing of all radionuclides including radium, and registration of X-ray machines and particle accelerators are features of this program. All regulations governing these sources are substantially in accord with the suggested State regulations as published by the Council of State Governments in cooperation with the Atomic Energy Commission and the U.S. Public Health Service. Every effort will be made to conduct the program in a fashion that is compatible with those operated by other agreement States and the Atomic Energy Commission.

The licensing program will be patterned after the one established by the Atomic Energy Commission and will use applicable criteria contained in regulations as published by the Atomic Energy Commission. The director and key staff members will evaluate each radioactive material license application, including prelicensing visits if this is indicated. When applications are received for unusual uses, additional advice will be sought. When applications for nonroutine medical uses are received the Medical Advisory Committee will be consulted. When applications for specific licenses are approved, licenses will be signed by the State Health Officer for the South Carolina State Board of Health.

Inspection. Inspection to determine radiation safety and compliance with pertinent regulations, and provisions of license or registration will be conducted as needed by division staff members. These members consist of the Director, the Radiological Health Specialist, Radiological Health Inspector and the Laboratory Technician III, who are or will be qualified by training and experience to conduct the inspections. Inspections will be either by prearrangement or unannounced during reasonable hours.

Licenses will be inspected on a priority basis determined by type of use, quantity of radioactive material, physical and chemical form, training, and experience of user, frequency of use and other factors in keeping with the experience gained by others including the Atomic Energy Commission and other agreement States. The initially planned frequencies are categorized as follows:

Classification of use	*Usual inspection frequency*
Industrial radiography:	
Fixed installations	Once each 12 months.
Mobile operations	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Broad licenses—industrial, medical, or academic.	Once each 6-12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12-24 months.

These frequencies are subject to alteration and are presented as a depiction of the general policy at this time. Individual licenses will be judged on the particular circumstances associated with the terms of the license.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the license management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Agency on the occasion of incidents.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the Director of the Division of Radiological Health.

All inspectors will keep abreast of changes and developments in the field of radioactive materials by attending training courses, seminars and symposia, as well as in-house training which will be required.

Compliance and enforcement. The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed, or expected to be completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license, upon request by the licensee, may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy minor items of noncompliance. The Agency may amend, suspend or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action,

the Agency shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon findings that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder. After these actions the licensee still has right to a hearing.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been afforded.

The Agency will use its best efforts to obtain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such license or on the date of expiration specified in the federal license, whichever is earlier.

Compatibility and reciprocity. In promulgating rules and regulations, the Agency has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other state and federal licenses.

Radiological emergency capability. The Division of Radiological Health has maintained the capability for handling radiological emergencies since 1959. This capability includes training of personnel, proper monitoring instruments, and liaison with other agencies such as State Highway Patrol, Atomic Energy Commission, Savannah River Plant, and U.S. Public Health Service.

As a result of our Radium Management Program, additional capability was formulated in 1965 to handle other radiological emergencies such as lost or damaged radium sources, overexposures, contamination, or transportation incidents. Additional personnel were trained, better instruments purchased and maintained, "emergency kits" put together for immediate use, and a system for telephone communications instituted. Emergency plans of other groups and agencies involving radiological incidents were reviewed by our Division.

Future plans for emergency procedures involve first of all a thorough review of our existing plan in light of the new role as an agreement state. A more formal plan will be instituted delineating the responsibility of each group or agency. Radiological Emergency Assistance Teams will be organized and trained in areas of major radiological activity. The Division of Radiological Health, which will be responsible for the program, will coordinate the new plan so that when and if an emergency does occur a systematic procedure will be followed.

[F.R. Doc. 69-7644; Filed, June 30, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18558; FCC 69-665]

OTTAWAY STATIONS, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Ottaway Stations, Inc., Oneonta, N.Y., Requests: 103.1 mc, No. 276; 630 w; 590 feet, Docket No. 18558, File No. BPH-6273, for construction permit.

1. The Commission has under consideration the above-captioned application for a new FM station at Oneonta, N.Y.

2. The applicant corporation is licensee of Oneonta's only AM station and is applying for one of the two FM channels assigned to the community. In addition, applicant's controlling stockholder publishes Oneonta's only daily newspaper as well as newspapers in Danbury, Conn.; New Bedford and West Yarmouth, Mass.; Port Huron, Mich.; and Middletown, Plattsburgh, and Port Jarvis, N.Y. It also controls the licensees of stations in West Yarmouth, Mass., and Stroudsburg, Pa.

3. After careful consideration of the application before us, we have concluded that the multiple ownership situation here involved raises substantial questions as to concentration of control of media of mass communications and as to whether a grant would serve the public interest. In addition, applicant's showing in response to questions in section IV-A of the application is defective in that the responses of local leaders dealt with programing preferences rather than community needs. Accordingly, a Suburban issue is also required.

4. The applicant is qualified in other respects, but in view of the foregoing, we find that the application must be designated for evidentiary hearing on the issues set forth below.

5. *It is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues.

1. To determine whether a grant of this application would tend to create an undue concentration of control over media of mass communications.

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

3. To determine in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the subject application would serve the public interest, convenience and necessity.

6. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 18, 1969.

Released: June 23, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 69-7743; Filed, June 30, 1969; 8:49 a.m.]

[1] Commissioners Hyde, chairman; Robert E. Lee and Wadsworth dissenting.

[Dockets Nos. 18569—18572; FCC 69-666]

SOUTH CAROLINA EDUCATIONAL TELEVISION COMMISSION (WITV) ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of South Carolina Educational Television Commission (WITV), Charleston, S.C., Docket No. 18569, File No. BPET-323; Reeves Broadcasting Corp., (WUSN-TV), Charleston, S.C., Docket No. 18570, File No. BPCT-4107; First Charleston Corp. (WCIV), Charleston, S.C., Docket No. 18571, File No. BPCT-4121; WCSC, Inc. (WCSC-TV), Charleston, S.C., Docket No. 18572, File No. BPCT-4127; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned applications of South Carolina Educational Television Commission (WITV), licensee of Noncommercial Educational Television Broadcast Station WITV, Channel 7, Charleston, S.C.; Reeves Broadcasting Corp. (WUSN-TV), licensee of Television Broadcast Station WUSN-TV, Channel 2, Charleston, S.C.; First Charleston Corp. (WCIV), licensee of Television Broadcast Station WCIV, Channel 4, Charleston, S.C. and WCSC, Inc. (WCSC-TV), licensee of Television Broadcast Station WCSC-TV, Channel 5, Charleston, S.C.; and (b) petitions to deny, informal objections, and related pleadings filed in this proceeding which are listed in the appendix hereto.[1]

2. Television Broadcast Stations WUSN-TV, Channel 2, WCIV, Channel 4, and WCSC-TV, Channel 5, Charleston, S.C., are authorized to operate with effective radiated visual power of 100 kw. from antenna heights above average terrain

[1] Filed as part of the original document.

of 790 feet, 940 feet and 1,000 feet respectively. Noncommercial Educational Television Broadcast Station WITV, Channel 7, Charleston is authorized to operate with effective radiated power of 28.8 kw. and an antenna height of 220 feet above average terrain. The present controversy arises from the requests of these stations to move their respective transmitter sites from four separate locations, approximately 1 to 7 miles east of Charleston, to a joint 2,000-foot tower located approximately 20 miles northeast of the center of Charleston, in the direction of Florence, S.C., approximately 10 miles northeast of Wando, S.C., and to make other changes in the facilities of the stations. Operating as proposed, Stations WUSN–TV, WCIV, and WCSC–TV would increase their antenna heights above average terrain to 1,860 feet, 1,950 feet, and 1,950 feet respectively with no change in power and Station WITV would increase its effective radiated visual power to 316 kw. and its antenna height above average terrain to 1,720 feet. From the proposed site, the four stations would, for the first time, provide predicted Grade B service to Florence, S.C., and to communities in the vicinity of Columbia, S.C. Petitions to deny have been filed by Rovan of Florence, Inc. (WPDT), permittee of Television Broadcast Station WPDT, Channel 15, Florence, S.C., and by Cape Fear Telecasting, Inc., now Clay Broadcasting Corp. (WWAY), licensee of Television Broadcast Station WWAY, Channel 3, Wilmington, N.C., and informal objections have been filed by Palmetto Radio Corp. (WNOK–TV), licensee of Television Broadcast Station WNOK–TV, Channel 19, Columbia, S.C., and by Columbia Television Broadcasters, Inc. (WOLO–TV), licensee of Television Broadcast Station WOLO–TV, Channel 25, Columbia, S.C.

3. WPDT and WWAY claim standing in this proceeding as "parties in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended, on the basis that grant of the applications would result in the diversion of advertising revenues from Stations WPDT and WWAY and would cause economic injury to them. We find that petitioners have standing.[2] Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2008. WOLO–TV and WNOK–TV do not claim standing as "parties in interest" and their oppositions to grant of the applications will be treated as informal objections, pursuant to § 1.587 of the Commission's rules.

4. The applicants allege that grant of the applications will permit a substantially more efficient and effective use of the Charleston channel assignments. It will enable these stations to improve their existing service in their present coverage areas and provide high quality television signals, particularly good color television and full three network service for the first time to areas and populations in communities and rural areas outlying from Charleston. It is contended that a grant of the WITV application will afford an opportunity to increase approximately threefold the coverage of the Charleston eduactional television station. In addition, the applicants assert that the substantial increase in coverage by the Charleston stations will enhance the importance of Charleston as a television market and enable the Charleston television stations to compete more effectively with television stations located in adjacent cities. The applicants also state that the use of a joint tower will promote aeronautical safety and further the Commission's policy of fostering the development of antenna farms. Finally, it is alleged that the proposed joint tower will be made available to present and future Charleston FM stations and to public entities such as the Federal Bureau of Investigation and the Department of Commerce for their communication facilities.

5. Petitioners and objectors allege that grant of the applications would have an adverse impact on UHF television broadcasting in Florence and Columbia, S.C., and in Wilmington, N.C. An examination of the present situation in Florence and Columbia is sufficient to indicate that this concern with the impact of the proposed transmitter moves on UHF development may be valid. At the present time, Florence, S.C., has one operating commercial VHF television broadcast station (WBTW, Channel 13, CBS), an operating noncommercial educational UHF television broadcast station (WJPM–TV, Channel 33), a commercial UHF television broadcast station (WPDT, Channel 15) which has not yet commenced construction[3] and Channel 21, which is allocated, but no station is authorized to operate on this channel. Television Broadcast Station WIS–TV, Channel 10, NBC, Columbia, S.C., presently places a predicted Grade B signals over Florence, S.C. While the predicted Grade B signals of the four Charleston VHF stations presently fall approximately 30 miles short of Florence, operating as proposed, the Charleston stations would, for the first time, provide predicted Grade B service to Florence and surrounding areas. As a consequence, UHF television stations assigned to Florence would have to compete with three additional commercial VHF stations and such added competition may have an adverse affect on the activation of the UHF channels. It should be noted that since Station WBTW (Florence) and WIS–TV (Columbia) presently provide CBS and NBC network programing to Florence, the possibility of a Florence UHF station providing the third network service to this community may be substantially impaired as a result of a grant of the application of Station WUSN–TV, the Charleston ABC affiliate.

6. In Columbia, S.C., there is presently an operating VHF commercial television broadcast station (WIS–TV, Channel 10, NBC), two operating commercial UHF television broadcast stations (WNOK–TV, Channel 19, CBS, and WOLO–TV, Channel 25, ABC), an operating noncommercial educational television broadcast station (WRLK–TV, Channel 35) and Channel 57, which is allocated, but for which no application is pending. Television Broadcast Stations WRDW–TV, Channel 12, CBS, and WJBF, Channel 6, ABC, Augusta, Ga., both presently place predicted Grade B signals over Columbia, S.C., and Television Broadcast Station WBTW, Channel 13, CBS, Florence, S.C., presently places a predicted Grade B signal over a small portion of Richland County in which the city of Columbia is located. While the Charleston stations do not presently provide predicted Grade B service to Columbia, they do provide predicted Grade B service to approximately 80 percent of Clarendon County, 40 percent of Orangeburg County and 5 percent of Calhoun County, which counties are located generally south of Columbia. Operating as proposed, the Charleston stations would still not provide predicted Grade B service to Columbia, but they would provide predicted Grade B service to all of Clarendon County and to approximately 75 percent of Orangeburg and Calhoun Counties, and for the first time, they would provide predicted Grade B service to approximately 90 percent of Sumter County and 45 percent of Lee County. Therefore, while there is now relatively little overlap between the predicted Grade B contours of the Charleston and Columbia stations, operating with the requested facilities, the Grade B contours of the Charleston stations would overlap approximately 25 percent of the area and population located in the authorized Grade B contours of the Columbia stations.

7. We believe that under these circumstances, it is necessary to explore in an evidentiary hearing whether the proposed operations of the Charleston stations would have an adverse impact upon the development of UHF television broadcasting in the proposed service areas. While the Commission encourages television broadcast stations to operate with maximum facilities in order to make the most efficient use of channel assignments, we have also expressed our concern with fostering the development of UHF broadcasting. By the hearing ordered herein, a full record will be established which will form a basis for determining the choice between these policies. The burden of proceeding with

[2] Since both petitions were not timely filed, the petitioners have filed requests for waiver of § 1.580(i) of the Commission's rules. Since both petitioners have shown good cause for grant of their waiver requests, we shall waive the procedural requirements of § 1.580(i) of the rules.

[3] The Commission in an order, Radio Longview, Inc., et al., 6 FCC 69–182, 16 FCC 2d 716, adopted Feb. 26, 1969, designated inter alia, the application (BMPCT–6743) of WPDT for an extension of time within which to complete construction for oral argument on the question of whether the failure to complete construction was due to causes not under its control or that the reasons stated were sufficient to justify an extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534 (a) of the Commission's rules.

the introduction of evidence with respect to the UHF impact issue will be placed on the respondents and the burden of proof with respect to this issue will be placed on the applicants. Petitioners and objectors assert that the burden of proceeding with the introduction of evidence should also be placed on the applicants because they can better afford to bear the costs of an evidentiary hearing. However, since the petitioners and objectors have alleged that grant of the applications would have an adverse impact on UHF broadcasting, we believe that the responsibility for proceeding with the introduction of evidence is properly theirs.

8. WWAY also requests that the applications be designated for hearing on a Carroll issue,[4] alleging that the introduction, for the first time, of the predicted Grade B signals of the Charleston stations into Horry County, S.C., which county lies within WWAY's service area, would have an adverse economic effect upon WWAY's operation with a resulting diminution or loss of television service to the public. WWAY asserts that since it commenced operation in October 1964, it has continually operated at a financial loss. It also states that it places a predicted Grade A signal over a portion of Horry County and a predicted Grade B signal over all of the county and that the county is a vital part of its market since it contains approximately 20 percent of the homes in the seven counties in which WWAY claims a net weekly circulation in excess of 50 percent. Furthermore, WWAY alleges that because of the importance of Horry County, a significant part of the station's sales efforts are devoted to the county and the station makes substantial efforts to serve the programing needs of the residents. In further support of its contention that Horry County constitutes a significant part of the Wilmington television market, WWAY has submitted data which compares the total population, number of families median income, bank deposits, retail sales and wholesale sales of Horry County with New Hanover County, in which the city of Wilmington is located and with neighboring Brunswick County. WWAY states that while substantially all of Horry County receives service from three network affiliated television stations,[5] the introduction of the Charleston television signals would result in a diminution of WWAY's audience in the county, which would cause a decline in the time sales to local advertisers in the county and in Wilmington. In this connection, WWAY states that since Horry County is located substantially closer to Wilmington than to any other city of comparable size, the Wilmington merchants seek to attract customers from the county and are therefore concerned with whether a television station can deliver an audience in the county. WWAY concludes that since a substantial number of persons receive their only off-the-air service from WWAY and from Station WECT, the other operating Wilmington television station, any cutback of WWAY's public service programing would result in injury to the public interest which would not be outweighed by any benefits arising from grant of the applications.

9. Previously, where a petitioner attempted to raise a Carroll issue, the applicant sought to establish a new station in either the same or neighboring community. As a consequence, the service areas of the petitioner's station and the applicant's proposed station were to a large extent coextensive and the competitive aspects of the case were more sharply focused. In the present case, however, only a portion of the petitioner's service area will be overlapped, for the first time, by the signals of stations located at substantial distances from the overlap area. Therefore, in this situation, the petitioner must provide the Commission with ample statistical data pertinent to the specific area of overlap in order to enable the Commission to determine whether there will be an adverse economic impact upon the petitioner's operation with a net loss or degradation of service to the public. We find that petitioner has failed to meet this burden. In Missouri-Illinois Broadcasting Co., FCC 64-748, 3 RR 2d 232, adopted July 29, 1964, the Commission set out the type of specific economic data necessary to support a request for a Carroll issue. Subsequently, in Folkways Broadcasting Co., Inc. v. Federal Communications Commission, 375 F. 2d 299, 8 RR 2d 2089 (1967) the Court of Appeals held that the Commission could not demand of Carroll petitioners "exact calculations" or "pre-knowledge of the exact economics of the situation" which would occur after grant. In the present case, however, the petitioner has failed to furnish the Commission with any information concerning the amount of revenues it receives from Horry County or an estimate as to any loss of revenues which would result from grant of the applications. In addition, no information has been supplied concerning the amount of money presently being expended on public service programing or the relationship between the loss of revenues in the overlap area and the withdrawal of programing service to the public. In the absence of such information, we cannot find that WWAY has raised a substantial and material question of fact with respect to whether there will be a diminution or loss of television service to the public in the event of a grant of the Charleston applications. Accordingly, the request for a Carroll issue will be denied.

10. WPDT contends that noncommercial educational television broadcast station WITV has not demonstrated that it has sufficient funds available to construct the station as proposed. Specifically, WPDT states that while WITV relies upon an appropriation of funds by the State legislature of South Carolina to meet the station's construction costs of $526,845, the documentation to support the availability of such funds has not been submitted with the application. However, since WITV subsequently amended its application and submitted the necessary documentation indicating that the funds have been appropriated, the applicant has demonstrated that it is financially qualified and therefore, no financial issue will be specified.

11. We have carefully considered all of the matters raised in the various pleadings and, except as indicated by the issues specified below, we find that the applicants are qualified to construct and operate as proposed and that, except as indicated in the preceding paragraphs hereof, no substantial and material questions of fact have been raised by the pleadings. The Commission, however, is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for evidentiary hearing on the issues set forth below:

12. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in subsequent order, upon the following issue:

1. To determine whether a grant of the applications would impair the ability of authorized and prospective UHF television broadcast stations in the area to compete effectively, or would jeopardize, in whole or in part, the continuation of existing UHF television service.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether grant of the applications would serve the public interest, convenience and necessity.

13. *It is further ordered,* That to the extent indicated herein, the petitions to deny filed by Rovan of Florence, Inc., and Clay Broadcasting Corp. are granted, and in all other respects are denied.

14. *It is further ordered,* That Rovan of Florence, Inc., Clay Broadcasting Corp., and upon the Commission's own motion Palmetto Radio Corp. and Columbia Television Broadcasters, Inc., are made parties respondent in this proceeding.

15. *It is further ordered,* That the burden of proceeding with the introduction of evidence with respect to Issue 1, herein is hereby placed upon the parties respondent, and the burden of proof with respect to Issues 1 and 2 is hereby placed upon the applicants.

16. *It is further ordered,* That to avail themself of the opportunity to be heard, the applicants and the parties respondent herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

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[4] Carroll Broadcasting Co. v. Federal Communications Commission, 103 U.S. App. D.C. 346, 258 F. 2d 440, 17 RR 2066 (1958).

[5] Stations WWAY, Channel 3, ABC, Wilmington; WECT, Channel 6, NBC, Wilmington; WBTW, Channel 13, CBS, Florence, S.C.

17. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 18, 1969.

Released: June 26, 1969.

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

[F.R. Doc. 69-7744; Filed, June 30, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4616 etc.]

TEXACO, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 20, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 18, 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.

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 rule of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4616 ..... C 5-16-69	Texaco Inc.,[1] Post Office Box 52332, Houston, Tex. 77052.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	10.0	14.65
CI60-691 ..... D 6-6-69	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, Tex. 77001 (partial abandonment).	Panhandle Eastern Pipe Line Co., acreage in Dewey County, Okla.	Uneconomical	.....
CI61-482 ..... D 5-16-69	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Houston, Tex. 77221.	Natural Gas Pipeline Co. of America, Northeast Thompsonville Field, Webb and Jim Hogg Counties, Tex.	(2)	.....
CI61-516 ..... C 6-9-69	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Wildcat Field, Major County, Okla.	[3] 16.0	14.65
CI63-234 ..... D 6-4-69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Red Oak Area, Latimer and other Counties, Okla.	Assigned	.....
CI63-1300 ..... D 5-22-69	Mobil Oil Corp. (Operator)	Natural Gas Pipeline Co. of America, Crane and Putnam Fields, Custer County, Okla.	(4)	.....
CI64-129 ..... E 5-14-69	Cecil Simms (successor to Midland Petrochemical Co., Operator), c/o James A. Knight, 1501 Taylor St., Amarillo, Tex. 79101.	Arkansas Louisiana Gas Co., Moravia Field, Beckham County, Okla.	15.0	14.65
CI66-1267 ..... 6-6-69 [5]	Continental Oil Co.	Arkansas Louisiana Gas Co., Danville Area, Bienville and Jackson Parishes, La.	[3] 18.333	15.025
CI68-1063 ..... 6-6-69 [7]	Cayman Corp., Ltd. (formerly Cayman Corp.), Post Office Box 2099, Palos Verdes Peninsula, Calif. 90274.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Adams Ranch, Meade County, Kans.	16.0	14.65
CI68-1148 ..... C 6-9-69	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, W. Va. 25325.	United Fuel Gas Co., Poca District, Putnam County, W. Va.	28.0	15.325
CI69-270 ..... C 6-9-69	Commonwealth Gas Corp., Post Office Box 1433, Charleston, W. Va. 25325.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325
CI69-345 ..... C 6-6-69	James A. Ford, d.b.a. Cypress Gas Co. (Operator), Post Office Box 9102, Shreveport, La. 71109.	Arkansas Louisiana Gas Co., Northwest Cartersville Field, Le Flore County, Okla.	16.0	14.65
CI69-452 ..... C 6-5-69	Blaik Oil Co., 203 Park Ave., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Shirley Field, Hutchinson County, Tex.	[3] 17.0	14.65
CI69-526 ..... 6-6-69 [7]	Cayman Corp., Ltd. (formerly Cayman Corp.).	Northern Natural Gas Co., Mocane-Laverne Field, Harper County, Okla.	[3] 17.0	14.65
CI69-1071 ..... (CI67-16) F 5-9-69 [6]	Husky Oil Co. of Delaware, Post Office Box 380 Cody, Wyo. 82414.	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy County, N. Mex.	16.608	14.65
CI69-1093 ..... (G-11918) F 5-23-69 [6] 6-9-69 [8]	Three S & T Oil Co., Inc. (successor to Mobil Oil Corp.), c/o Jack C. Cladwell, attorney, Post Office Box 592, Franklin, La. 70538.	United Gas Pipe Line Co., Iowa Field, Calcasieu and Jefferson Davis Parishes, La.	18.5	15.025
CI69-1101 ..... (CI67-1465) A&F 5-26-69	Paul E. Kloberdanz et al. (successor to Humble Oil & Refining Co. and Cleary Petroleum Corp. (Operator) et al.), c/o James W. George, attorney, George, Kenan, Robertson & Lindsey, 1366 First National Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[3] 17.0	14.65
CI69-1106 ..... A 5-21-69 [9]	Inland Gas Gathering Co., Operator, c/o W. A. MacNaughton, attorney, MacNaughton & McWhorter, 614 Southwest Tower, Houston, Tex. 77002.	Humble Gas Transmission Co., Richland-Dehlco Field Area, Richland Parish, La.	4.7	15.025
CI69-1113 ..... A 5-27-69	C. F. Braun & Co., 1000 Fremont St., Alhambra, Calif. 91802.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	[3] 19.5	14.65
CI69-1136 ..... A 6-2-69	J. S. Turner, Post Office Box 1527, Shreveport, La. 71102.	United Gas Pipe Line Co., acreage in Winn Parish, La.	18.5	15.025
CI69-1137 ..... A 6-3-69	Roy Furr (Operator) et al., Post Office Box 1650, Lubbock, Tex. 77008.	Northern Natural Gas Co., acreage in Hutchinson County, Tex.	[3] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[*] Commissioner Bartley dissenting.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-1138 A 5-29-69	Orlando Gas & Oil Co., c/o Roy & McComas, 309 Hines Bldg., Huntington, W. Va. 25701.	United Fuel Gas Co., acreage in Lincoln County, W. Va.	16.0	15.325
CI69-1139 A 5-29-69	Roy & McComas, 309 Hines Bldg., Huntington, W. Va. 27501.	do	16.0	15.325
CI69-1140 A 5-29-69	do	do	16.0	15.325
CI69-1141 A 5-29-69	do	do	16.0	15.325 15.325
CI69-1142 A 5-29-69	Roy, Wolfe & McComas	do	16.0	
CI69-1143 (G-3071)	Shell Oil Co. (successor to Humble Oil & Refining Co.), 50 West 50th St., New York, N.Y. 10020.	Texas Eastern Transmission Corp., Helen Gohlke Field, De Witt County, Tex.	[2] 15.75	14.65
(G-4287)	do	do	15.0	14.65
(G-4287)	do	do	[3] 15.75	14.65
(G-11944) F 6-2-69	do	do	[3] 15.6	14.65
CI69-1144 B 6-4-69	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Cities Service Gas Co., Laketon Field, Gray County, Tex.	Depleted	
CI69-1145 A 6-5-69	Mutual Gas Co., c/o O. W. Stonestreet, partner, Box 350, Spencer, W. Va. 25276.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	27.0	15.325
CI69-1147 A 6-6-69	Texas Gulf Sulphur Co. (Operator), Room 1803, 811 Rusk Ave., Houston, Tex. 77002.	United Fuel Gas Co., Orange Grove Area, Terrebonne Parish, La.	[4] 21.1	15.025
CI69-1148 B 6-6-69	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Natural Gas Pipeline Co., of America, Southeast Camrick Pool, Beaver County, Okla.	Depleted	
CI69-1149 B 6-6-69	Sun Oil Co. (DX Division), Post Office Box 2039, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Rincon and Flores Fields, Starr and Hidalgo Counties, Tex.	Depleted	
CI69-1151 A 6-2-69	Estate of Nelle L. Barnes, deceased, c/o Stone, Stone & Chambers, 712 Barfield Bldg., Amarillo, Tex. 79101.	Panhandle Producing Co., acreage in Hutchinson County, Tex.	7.75	14.65
CI69-1152 A 6-6-69	D. R. Lauck Oil Co., Inc., et al., 301 South Broadway, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., State Line Field, Woods County, Okla.	[5] 17.0	14.65
CI69-1153 A 6-6-69	Chandler & Associates, Inc., 1401 Denver Club Bldg., Denver, Colo. 80202.	Cascade Natural Gas Corp., Dragon Trail Field, Rio Blanco County, Colo.	13.5	15.025 15.025
CI69-1154 (CI66-282) F 5-19-69	Elpohn Petroleum Corp. (successor to Southern Union Production Co.), c/o John H. Schultz, attorney, 1700 Broadway, No. 1105, Denver, Colo. 80202.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	12.0	
CI69-1155 (CS66-99) F 6-2-69	Pecos Growers Oil Co. (successor to Darmac Corp.), 1001 Americana Bldg., Houston, Tex. 77002.	El Paso Natural Gas Co., Chenot Area, Pecos County, Tex.	16.5	14.65
CI69-1156 (CS66-99) F 6-2-69	do	Transwestern Pipeline Co., Putnam Area, Pecos County, Tex.	[5] 16.5	14.65
CI69-1157 A 6-3-69	W. H. Mossor, d.b.a. Mossor Oil & Gas Co., 101 East Main St., Harrisville, W. Va. 26362.	Cumberland & Allegheny Gas Co., Philippi District, Barbour County, W. Va.	27.0	15.325
CI69-1158 A 6-3-69	Charles M. Fairchild et al., d.b.a. Le Lynn Oil & Gas Co., c/o Walter J. Meinhart, agent, Room 310, 916 Fifth Ave., Huntington, W. Va. 25701.	United Fuel Gas Co., acreage in Lincoln County, W. Va.	18.0	15.325
CI69-1160 A 6-9-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., Block 54 Field, Offshore Vermilion Parish, La.	20.0	15.025
CI69-1161 A 6-9-69	Gulf Coast Natural Gas Co., 800 Houston Natural Gas Bldg., Houston, Tex. 77002.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Odem (8850') Field, San Patricio County, Tex.	13.0	14.65
CI69-1162 A 6-9-69	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 174, West Cameron Area, Offshore Louisiana.	20.0	15.025
CI69-1163 A 6-9-69	Southern Union Production Co., Fidelity Union Tower, Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., Deep Willow Springs Field, Gregg County, Tex.	[6] 14.9727	14.65
CI69-1164 A 6-9-69	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Texas Gas Transmission Corp., Six Mile Field, St. Mary Parish, La.	[6] 21.25	15.025
CI69-1165 A 6-9-69	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 176 Field, Ship Shoal Area, Federal Domain, Offshore Louisiana.	21.25	15.025
CI69-1166 (CI64-588) F 6-4-69	GMC Oil & Gas Corp. (successor to Sun Oil Co.), First National Bldg., Oklahoma City, Okla. 73102.	Cities Service Gas Co., acreage in Woods County, Okla.	[7] 14.0	14.65
CI69-1167 (CI64-699) F 6-4-69	do	do	[8] 14.0	14.65
CI69-1168 (CS66-72) F 6-9-69	Tenneco Oil Co. (successor to Cactus Drilling Co.)[10], Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Langlie Mattix Field, Lea County, N. Mex.	10.0	14.65
CI69-1169 (CS66-72) F 6-9-69	do[10]	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	12.87	14.65

[1] By letter filed June 9, 1969, Applicant agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[2] Deletes a portion of one lease which due to nonproduction was released to landowner.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Deletes acreage which was erroneously dedicated.
[5] Amendment to certificate filed to include interest of nonoperator (Robin F. Scully).
[6] Includes 1.333-cent tax reimbursement.
[7] Amendment to certificate filed to reflect change in corporate name.
[8] Applicant is filing for certificate to cover its own interest previously covered by Operator's (Depco, Inc., et al.) certificate in Docket No. CS67-16.
[9] Application previously noticed June 4, 1969, in Docket No. CI61-760, et al. at a total initial rate of 20 cents per Mcf.
[10] Amendment to application filed changing price to read 18.5 cents per Mcf in lieu of 20 cents.
[11] Application for certificate to initiate transportation service.
[12] Rate in effect subject to refund in Docket No. RI65-544.
[13] Rate in effect subject to refund in Docket No. RI68-307.
[14] Contract provides for 21.1 cents per Mcf; however, Applicant requests a certificate at an initial price of 20 cents per Mcf, adjusted for quality as prescribed in Opinion No. 546.
[15] Includes 2.5 cents for liquid hydrocarbon content. Price is also subject to reduction for compression.
[16] Applicant is willing to accept a permanent certificate in conformance with the provisions of Opinion Nos. 546 and 546-A.
[17] Rate in effect subject to refund in Docket No. RI65-488.
[18] Rate in effect subject to refund in Docket No. RI65-494.
[19] Cactus Drilling Co.'s interest is covered by certificate issued to Reserve Oil & Gas Co. (Operator) et al., Docket No. CS65-72.

[F.R. Doc. 69-7614; Filed, June 30, 1969; 8:45 a.m.]

[Docket No. CI69-1065, etc.]

UNION TEXAS PETROLEUM ET AL.

Notice of Applications

JUNE 23, 1969.

Take notice that each Applicant herein has filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Cities Service Gas Co. produced in the West Edmond Field, in various counties in Oklahoma, and processed in the Trindle plant in Kingfisher County, Okla., all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

See footnotes at end of table.

Applicants, including Sohio Petroleum Co., the plant operator, are owners of the Trindle plant and state that the volume of natural gas available for processing has declined to the point where it is no longer economically feasible to continue operation of the plant. Applicants state further that the plant has been operating at a loss due to the declining volumes of natural gas available for processing and that it is anticipated that expenditures for plant maintenance and repairs will increase rapidly in the near future for which there will be no additional revenues.

Under the circumstances it is appropriate that there should be a shortened notice period; and, accordingly, any person desiring to be heard or to make any protest with reference to said applications should on or before July 7, 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). 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 these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are 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 Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No.	Applicant's name and address	Date filed
CI69-1095	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001.	5-19-69
CI69-1103	Phillips Petroleum Co., Bartlesville, Okla. 74003.	5-26-69
CI69-1104	Sohio Petroleum Co., 970 First National Bldg., Oklahoma City, Okla. 73102.	5-26-69
CI69-1105	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	5-27-69
CI69-1111	Atlantic Richfield Co., Post Office Box 521, Tulsa, Okla. 74102.	5-26-69
CI69-1116	Sun Oil Co. (DX Division), Post Office Box 2039, Tulsa, Okla. 74102.	5-28-69
CI69-1118	do	5-28-69
CI69-1119	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	5-28-69
CI69-1120	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	5-28-69
CI69-1121	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	5-28-69
CI69-1122	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107.	5-27-69
CI69-1123	Cities Service Oil Co., Box 300, Tulsa, Okla. 74102.	5-28-69
CI69-1135	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	6- 4-69
CI69-1150	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	6- 6-69
CI69-1181	Consolidated Oil & Gas, Inc., Suite 1300, Lincoln Tower Bldg., Denver, Colo. 80203.	6-13-69
CI69-1185	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	6-16-69
CI69-1186	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	6-16-69
CI69-1187	Rudeo Oil & Gas Co., Post Office Box 2018, Tyler, Tex. 75701.	6-16-69
CI69-1190	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	5-27-69

[F.R. Doc. 69-7703; Filed, June 30, 1969; 8:45 a.m.]

[Docket No. E-7491]

ALABAMA POWER CO.

Notice of Application

JUNE 20, 1969.

Take notice that on June 13, 1969, Alabama Power Co. (Applicant), filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the sale of certain electric facilities to the city of Dothan, Ala.

Applicant is incorporated under the laws of the State of Alabama with its principal business office in Birmingham, Ala., and is engaged in the electric utility business in 625 communities, as well as rural areas, within the State of Alabama.

According to the application, the Applicant proposes to sell to the city of Dothan, for a consideration of $610,621, its Dothan Transmission Substation, certain facilities at the College Substation and 19.58 miles of 46 kv. transmission lines serving and located in and around corporate limits of the city of Dothan. Consummation of the proposed transaction will result in a new power supply contract including provisions for a discount in power cost due to the new substation ownership by the city of Dothan.

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, 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. 69-7704; Filed, June 30, 1969; 8:46 a.m.]

[Docket No. CP69-314]

ATLANTIC SEABOARD CORP.

Notice of Application

JUNE 24, 1969.

Take notice that on May 21, 1969, Atlantic Seaboard Corp. (Applicant) Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP69-314 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the activation and operation of a new underground storage field including (A) the acquisition and operation of certain natural gas properties and facilities and underlying gas reserves; (B) the construction and operation of certain additional natural gas facilities; and (C) the wholesale sale and delivery of specified volumes of natural gas to Consolidated Gas Supply Corp. The proposal is more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to activate an additional storage field consisting of 3,000 acres situated in Preston County, W. Va., estimated to have a maximum turnover of 4,769,000 Mcf upon final activation. In addition to acquiring the related facilities and outstanding production rights to the Onondaga Chert and Oriskany formations underlying the perimeter of the storage field, Applicant proposes to construct and operate the following additional facilities:

(1) Install one 1,100 horsepower gas engine driven compressor unit at its Terra Alta Compressor Station;

(2) Recondition 12 existing production wells;

(3) Drill 20 new storage wells;

(4) Install approximately 117,300 feet of project piping ranging in size from 1.315-inch to 14-inch pipeline, including a proposed interconnection with Consolidated Gas Supply Corp.; and

(5) Install master and wellhead measurement facilities.

The application states that the proposed storage project is necessary to provide for the future market growth of Applicant's customers during the 1969-70 winter period under Applicant's Rate Schedule WS.

The total estimated cost of the proposed project is $7,502,786, which will be financed from funds provided by Applicant's parent company, The Columbia Gas System, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14,

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. 69-7706; Filed, June 30, 1969; 8:46 a.m.]

[Docket No. RP69-39]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in Rates and Charges

JUNE 24, 1969.

Take notice that on June 20, 1969, Cities Service Gas Co. (Cities) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective on July 23, 1969. The proposed rate changes would increase charges for jurisdictional sales and services by approximately $16,090,776 annually, based on sales for the 12-month period ending February 28, 1969, as adjusted. The proposed changes would increase the rates and charges in Cities' Rate Schedules, F-1, F-2, C-1, C-2, I-1, I-2, LVS-2, P, and IRG-1.

Cities states that the proposed change is required by an increased jurisdictional cost of service reflecting the general inflationary conditions in the country and in the natural gas transmission industry in particular. The proposed rates include a claimed rate of return of 8⅝ percent. Cities also states that the increased rates reflect an amount for amortizing a judgment entered against Cities in a suit by Western Natural Gas Co. and a contested claim by Mobil Oil Corp. under a contract provision relating to payment for volumes not taken in the Kansas-Hugoton Field.

Copies of the filing were served on customers and interested state regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 10, 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 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. 69-7702; Filed, June 30, 1969; 8:46 a.m.]

[Docket No. E-7396]

COMMONWEALTH EDISON CO.

Notice of Application

JUNE 24, 1969.

Take notice that on June 16, 1969, Commonwealth Edison Co. (Applicant) of Chicago, Ill., filed an application seeking authority pursuant to section 204 of the Federal Power Act to extend to no later than December 31, 1971, the final maturity date of short-term unsecured promissory notes authorized to be issued under the Commission's order of April 2, 1968, in Docket No. E-7396. In that order, the Commission authorized the Applicant to issue short-term promissory notes in face amounts of up to a maximum of $250 million with final maturities no later than December 31, 1969.

Applicant is incorporated under the laws of the State of Illinois with its principal business office at Chicago, Ill., and is principally engaged in the electric utility business in a service area of approximately 13,000 square miles in northern Illinois, including the city of Chicago.

The notes are to be issued from time to time to commercial banks and to commercial paper dealers, and are to have maturities of 12 months or less from the dates of issuance, and in any event are to be payable on or before December 31, 1971. The interest rate is to be (a) for notes issued to commercial banks, the prime rate as from day to day in effect, or (b) for commercial paper, the prevailing rate at time of issuance for paper of comparable quality and maturity.

The proceeds from the issuance of any notes will be added to working capital for ultimate application toward the cost of gross additions to utility properties and to reimburse the Applicant's treasury for construction expenditures. Applicant's construction program as now scheduled calls for plant expenditures of approximately $1,600 million for the 5-year period 1969-73. The extension of 2 years is necessary to provide flexibility needed to meet financing requirements under the tight money market conditions.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 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 preceeding 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. 69-7707; Filed, June 30, 1969; 8:46 a.m.]

[Docket No. CP69-340]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JUNE 23, 1969.

Take notice that on June 18, 1969, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP69-340 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a field compressor unit on existing gas supply facilities, all as more fully stated in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install and operate a skid-mounted field compressor unit in the South Alvin Field in Brazoria County, Tex., which Applicant states will enable it to continue to receive natural gas from said field when the Superior Oil Co. exercises its contractual rights to reduce delivery pressure of gas delivered to Applicant not in excess of 500 p.s.i.g. Applicant states that under the contract for the sale of such gas to it, Superior Oil Co. has the right to reduce the pressure at which gas is delivered to Applicant to pressures not in excess of 500 p.s.i.g. during the last 10 years of the contract term, which right became effective on June 5, 1969. Applicant also states that Superior has advised Applicant that it plans to exercise its right to reduce delivery pressure at an early date, in which event it will be necessary for Applicant to install the requested compressor facilities to maintain continuity of deliveries of gas

by Superior to Applicant from the South Alvin Field.

Applicant states that the total estimated cost to be $93,000, which will be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 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. 69-7708; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. CP69-342]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JUNE 24, 1969.

Take notice that on June 19, 1969, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP69-342 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a short gathering line and a field compressor unit on existing gas supply facilities to enable it to continue to receive natural gas from the Superior Oil Co. (Superior) under currently effective contractual arrangements and presently outstanding authorization, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install and operate a 4-inch gathering line approximately 1 mile in length and a skid mounted field compressor unit in the Monte Christo Field, Hidalgo County, Tex., to enable it to continue to receive natural gas from said field when Superior exercises its contractual rights to reduce delivery pressure of gas delivered to Applicant.

Estimated total cost is $213,000, which will be financed out of internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 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. 69-7709; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. RI69-765 etc.]

TEXACO, INC., ET AL.

Order Amending Order Accepting Contract Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates

JUNE 24, 1969.

By order issued May 29, 1969, in Docket No. RI69-781,[1] a rate increase from 24.0084 cents to 27 cents per Mcf at 15.325 p.s.i.a. filed by Quaker State Oil Refining Corp. (Quaker State) for a sale of natural gas to The Ohio Fuel Gas Co. in Meigs County, Ohio, was suspended for 5 months from June 1, 1969. No formal ceiling rates have been announced for Ohio. However, the rate increase, designated as Supplement No. 1 to Quaker State's FPC Gas Rate Schedule No. 28, was suspended for 5 months because it exceeded the formal ceiling for increased rates in the adjacent State of West Virginia which the Commission considers applicable to the subject sale.

The basis contract underlying the subject rate schedule is dated after September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1; and the proposed increased rate, while exceeding the increased rate ceiling of 25 cents per Mcf at 15.325 p.s.i.a., does not exceed the initial service ceiling of 28 cents per Mcf at 15.325 p.s.i.a., for West Virginia. For these reasons, we believe that the suspension period should be reduced from 5 months to a 1 day's duration in Docket No. RI69-781.

The Commission finds: Good cause exists for amending the Commission's aforementioned order issued May 29, 1969, with respect to Docket No. RI69-781 only to the extent hereafter provided.

The Commission orders:

(A) The Commission's order issued May 29, 1969, in Docket No. RI69-781, is amended to provide that Supplement No. 1 to Quaker State Oil Refining Corp.'s FPC Gas Rate Schedule No. 28 is suspended in Docket No. RI69-781 until June 2, 1969, and that said supplement shall become effective subject to refund in Docket No. RI69-781 on June 2, 1969, if within 20 days from the date of the issuance of this order, Quaker State shall execute and file in Docket No. RI69-781 its agreement and undertaking to comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser, The Ohio Fuel Gas Co. Unless Quaker State is advised to the contrary within 15 days after filing of its agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(B) In all other respects, the order issued May 29, 1969, in Docket No. RI69-781, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7705; Filed, June 30, 1969; 8:46 a.m.]

[1] Issued under lead Docket No. RI69-765 et al.

[Docket No. CP69-339]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 23, 1969.

Take notice that on June 18, 1969, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP69-339 an application for a certificate of

public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the construction and operation of certain facilities as additions to its Southwest Louisiana Gathering System, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 21 miles of 30-inch pipeline loop extending from the Cameron Meadows Plant on the Southwest Louisiana Gathering System, northward to a point near the Cameron-Calcasieu Parish line, together with an enlarged meter and regulator station to be located within said plant. The proposed facilities will be utilized to transport additional volumes of gas which have become available in the area of production associated with the system.

Applicant states that the total estimated cost of the proposed project is $5,950,000, which will be financed initially from funds on hand and bank loans. Permanent financing will be through the issuance of long-term securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 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. 69-7710; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. CP69-341]

UNITED GAS PIPE LINE CO.

Notice of Application

JUNE 24, 1969.

Take notice that on June 11, 1969, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP69-341 an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the short term sale of natural gas for resale to Humble Gas Transmission Co. (Humble Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell and deliver to Humble Gas up to 40,000 Mcf per day for resale to the existing customers of Humble Gas. The application states that the short term supply provided by Applicant will permit Humble Gas to maintain continuity of service while it makes arrangements for the future operation of its system and acquires a long term gas supply.

Application states that no new construction will be required to enable Applicant to make the sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 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. 69-7711; Filed, June 30, 1969; 8:47 a.m.]

[Docket No. CP68-308]

UNITED GAS PIPE LINE CO. AND HUMBLE GAS TRANSMISSION CO.

Notice of Joint Petition To Amend

JUNE 24, 1969.

Take notice that on June 19, 1969, United Gas Pipe Line Co., 1525 Fairfield Avenue, Shreveport, La. 71102, and Humble Gas Transmission Co., 1700 Commerce Building, New Orleans, La. 70112 (Applicants), filed a joint application, pursuant to section 7(c) of the Natural Gas Act, requesting that the certificate of public convenience and necessity heretofore issued in this docket, be amended to authorize the exchange of additional quantities of natural gas under an amendment to an existing exchange agreement between them, the establishment of an additional exchange point, and the construction and operation by United Gas Pipe Line Co. of proposed additional measuring facilities. The additional exchange point will be at the existing intersection of the facilities of Applicants in Ouachita Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that when the gas is available it will permit United to receive in north Louisiana gas produced by Humble in the Monroe Field, and it will permit Humble to receive at Baton Rouge gas produced in that area. Applicant states this is advantageous because it makes additional gas available to United for storage in the Bistineau Gas Storage Field, and it will make additional gas available to Humble at Baton Rouge.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 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 petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7712; Filed, June 30, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-2178]

BLACK SANDS METALS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 23, 1969.

I. Black Sands Metals, Inc. (issuer), 580 State Street, Salem, Oreg., incorporated in the State of Oregon on February 4, 1969, filed with the Commission on March 12, 1969, a notification on Form 1-A relating to a proposed offering of 42,500 shares of common stock at $3 a share for an aggregate offering of $127,500, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on the basis of information reported by the staff, has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer has not disclosed its predecessor and affiliates, as required by Item 2 of Form 1-A;

2. The issuer has not disclosed the jurisdictions in which the offering is to be made, as required by Item 8 of Form 1-A;

3. The issuer has not furnished adequate information concerning the history of its properties, as required by Item 8A(e) of Schedule I; and

4. The issuer has not prepared financial statements in the offering circular in the form prescribed by Item 11(a)(1) of Schedule I.

B. The offering would be made in violation of section 17 of the Securities Act of 1933, in that the notification and offering circular contain untrue statements of material facts and omit material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The extent and results of prior exploratory work and operations on the properties of the issuer by issuer's predecessor and others;

2. The amount and grade of ore on issuer's properties;

3. The planned operations of the issuer;

4. The amount of gold to be produced in 1969 from the stockpile and the amount to be produced in 1970 from mining operations;

5. The acquisition of the issuer's properties by its predecessor;

6. The nature and validity of the title under which issuer's properties are held;

7. The valuation of assets of issuer;

8. The condition and adequacy of mill; and,

9. The proposed uses of the proceeds of the offering.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of securities of Black Sands Metals, Inc., pursuant to said notification, be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission, within 30 days after the entry of this order, a written request for hearing; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing, at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7719; Filed, June 30, 1969; 8:47 a.m.]

[70-4757]

MIDDLE SOUTH UTILITIES, INC.

Notice of Filing and Order for Hearing Regarding Acquisition by Holding Company of Common and Preferred Stock of Nonassociate Public Utility Company

JUNE 25, 1969.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y. 10017, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, and 10 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. The application-declaration relates to Middle South's proposal to acquire the outstanding shares of common and preferred stocks of Arkansas-Missouri Power Co. ("Ark-Mo"), a nonassociate public-utility company, in exchange for shares of the common stock of Middle South. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Middle South holds all of the outstanding shares of the common stocks of four public-utility companies which distribute electric energy to approximately 1,086,700 customers in Arkansas, Mississippi, and Louisiana. In addition, one of these also engages in the retail gas and passenger transit businesses in New Orleans, La. As of December 31, 1968, the Middle South system had consolidated net assets of $1,454,788,000, and for the year then ended consolidated gross operating revenues of $370,274,000, and consolidated net income of $46,318,000.

Ark-Mo is both an electric utility company and a gas utility company and operates in Arkansas and Missouri, and its wholly owned subsidiary company, Associated Natural Gas Co. ("Associated"), is engaged in the distribution at retail of gas in Missouri. Ark-Mo, and Associated, combined, serve electricity to approximately 48,500 customers and natural gas at retail to approximately 47,600 customers. As of December 31, 1968, Ark-Mo had consolidated net assets of $48,767,000 and its consolidated gross operating revenues for the year then ended were $25,276,000, of which $16,451,000 was derived from the electric business and $8,825,000 from the gas business. Consolidated net income for the year 1968 was $1,925,000.

Middle South proposes to offer 0.7 of a share of its common stock, $5 par value, for each share of Ark-Mo common stock. Middle South further proposes to acquire all the shares of $100 par value 4.65 percent cumulative preferred stock of Ark-Mo on the basis of 4⅛ shares of Middle South common stock for each share of Ark-Mo preferred stock. The 10 financial institutions which hold all such shares of preferred stock have agreed to the exchange, if, as described below, the holders of the requisite number of shares of Ark-Mo's common stock accept the offer.

The exchange offer will be made over an initial period of approximately 30 days from the date it is first made to the Ark-Mo common stockholders. The offering period is subject to extension for an additional period or periods by Middle South, but not beyond 60 days from the initial date of the exchange offer, unless further extended upon approval by the Commission. The exchange offer requires acceptance thereof by the holders of not less than 80 percent of the outstanding shares of Ark-Mo common stock. When at least 80 percent of the outstanding shares of Ark-Mo common stock is deposited in acceptance of the exchange offer, Middle South, within 3 business days thereafter, will declare the exchange offer effective. The proposed transactions are part of a program which includes a plan, to be filed subsequently, under section 11(e) of the Act whereby any remaining minority interest in the common stock of Ark-Mo will be eliminated. The program also includes the filing of a

plan or plans under section 11(e) of the Act to dispose of the gas transmission and distribution properties of Ark-Mo and the capital stock and gas transmission and distribution properties of Associated.

The application-declaration states that Arkansas Power & Light Co. ("Arkansas"), a subsidiary company of Middle South, has been the principal supplier of the electric power sold by Ark-Mo, and that in 1968, some 81 percent of electric power distributed by Ark-Mo was supplied by Arkansas. Middle South states that Ark-Mo and Arkansas are interconnected at three points and that a fourth point of interconnection is under construction.

The filing states that on State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Middle South requests that the Commission exempt the proposed issuance of Middle South common stock in exchange for the common and preferred stock of Ark-Mo from the competitive bidding requirements of Rule 50.

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 Ark-Mo and other interested persons be afforded an opportunity to be heard in such hearing with respect to the fairness of the proposed exchange offer and other aspects of the proposed transactions; and that the application-declaration should not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing be held herein on August 5, 1969, at 10 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 application-declaration 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 proposed issue and sale of shares of the common stock of Middle South satisfies the requirements of section 7 of the Act;

2. Whether the proposed acquisition by Middle South of 80 percent or more of the outstanding shares of common stock of Ark-Mo meets the standards of section 10 of the Act, and particularly the requirements of sections 10 (b) and (c);

3. Whether exemption from compliance with the competitive bidding requirements of Rule 50 should be granted as to the shares of common stock of Middle South to be issued pursuant to the exchange offer;

4. Whether the accounting entries to be made in connection with the proposed transactions are proper and in accord with sound accounting principles;

5. Whether the fees, commissions and other expenses to be incurred are for necessary services and reasonable in amount;

6. What terms or conditions, if any, the Commission's order should contain; and

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 at said hearing to the foregoing matters and questions.

It is further ordered, That any person, other than applicant-declarant, 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 August 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 (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant 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 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 jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

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 Middle South, Ark-Mo, the Federal Power Commission, the Arkansas Public Service Commission, the Missouri Public Service Commission, the Louisiana Public Service Commission, the Mississippi Public Service Commission, and the U.S. Department of Justice, and that Middle South shall mail copies of this notice and order, not later than 15 days prior to the date of the hearing herein, to the stockholders of record of Ark-Mo; and that notice to all other interested persons shall be given by 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. 69-7720; Filed, June 30, 1969; 8:48 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

JUNE 24, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 25, 1969, through July 4, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7687; Filed, June 30, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 26]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, The Atchison, Topeka and Santa Fe Railway Co. is unable to transport traffic on its line between Eskridge, Kans., and Alma, Kans., because of track damage from flooding.

It is ordered, That:

(a) The Atchison, Topeka and Santa Fe Railway Co., being unable to transport traffic over its line between Eskridge, Kans., and Alma, Kans., because of track damage from flooding, that line is hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Atchison, Topeka and Santa Fe Railway Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diverison is ordered.

(c) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements

now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) Effective date: This order shall become effective at 1:00 p.m., June 25, 1969.

(e) Expiration date: This order shall expire at 11:59 p.m., July 31, 1969, unless otherwise modified, changed, or suspended.

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 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7730; Filed, June 30, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 12, Amdt. 5]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 12 (New York, Susquehanna and Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 12 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1969, and 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 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7734; Filed, June 30, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 16, Amdt. 3]

PENN CENTRAL

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 16 (Penn Central) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 16 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1969, and 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 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7731; Filed, June 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 53, Amdt. 2]

PENN CENTRAL CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 53, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 53 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 29, 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 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7732; Filed, June 30, 1969; 8:48 a.m.]

[Ex Parte 72 (Sub-No. 1)]

CLASS OF EMPLOYEES AND SUBORDINATE OFFICIALS TO BE INCLUDED WITHIN TERM "EMPLOYEE" UNDER RAILWAY LABOR ACT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 29th day of May 1969.

In the matter of regulations concerning class of employees and subordinate officials that are to be included within the term "employee" under the Railway Labor Act.

Upon consideration of the record in the above-entitled proceeding and letter, treated as a petition, filed April 2, 1969, by The American Railway Supervisors Association alleging a violation by the Missouri Pacific Railroad Co. of the Railway Labor Act, section 1, Fifth, and the Commission's outstanding orders in Ex Parte No. 72 and requesting the Commission to investigate; and for good cause appearing:

It is ordered, That the aforesaid petition be, and it is hereby, assigned for oral hearing at a time and place to be hereafter fixed.

And it is further ordered, That a copy of this order be filed with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7735; Filed, June 30, 1969; 8:49 a.m.]

[No. 35124]

KANSAS INTRASTATE FREIGHT RATES AND CHARGES, 1969

JUNE 20, 1969.

Notice is herbey given that 10 common carriers by railroad operating in interstate commerce within and through the State of Kansas, as well as in intrastate commerce in that State, have filed a joint petition herein under sections 3, 13, and 15a of the Interstate Commerce Act, seeking authorization from the Interstate Commerce Commission to apply on intrastate freight rates and charges the increases approved by the Commission on corresponding interstate commerce in 1960 in Ex Parte 223 (311 I.C.C. 373), in 1967 and 1968 in Ex Parte 256 (329 I.C.C. 854 and 332 I.C.C. 280), and in 1968 and 1969 in Ex Parte 259 (332 I.C.C. 590 and 332 I.C.C. 714). The petitioners are: The Atchison, Topeka and Santa Fe Railway Co.; Chicago, Burlington & Quincy Railroad Co.; Chicago, Rock Island and Pacific Railroad Co.; The Garden City Western Railway Co.; The Kansas City Southern Railway Co., Kansas City Terminal Railway Co.; Missouri-Kansas-Texas Railroad Co.; Missouri Pacific Railroad Co.; St. Louis-San Francisco Railway Co.; and Union Pacific Co.

In support of the petition, said petitioners represent that beginning in 1960 they have sought authority from the Kansas Corporation Commission to apply both the Ex Parte 223 and 256 increases and received permission to apply only the Ex Parte 223 increase in part; and that as a result such a situation causes undue preference in favor of shipments moving in intrastate commerce and, correspondingly, undue prejudice against interstate commerce in or through the State of Kansas. Wherefore, petitioners pray that this Commission will institute an investigation for the purpose of removing such undue preference and prejudice by approving and prescribing for application on intrastate commerce in the State of Kansas the same interstate increases in their entirety reflected in the indicated Ex Parte Dockets Nos. 253, 256, and 259.

Any persons interested in or affected by the aforesaid matters raised by the instant petition, may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the said petition in support thereof or in opposition to the determination sought. An original and 15 copies of such replies must be filed with the Commission and replicants must also show evidence of service of two copies of replies on each of the following eight attorneys representing the various petitioners herein, namely: Mr. Phillip S. Brown (114 West 11th Street, Kansas City, Mo. 64105); Mr. John J. Burchell (1416 Dodge Street, Omaha, Nebr. 68102); Mr. W. Bruce Kopper (906 Olive Street, St. Louis, Mo. 63101); Mr. Don McDevitt (139 West Van Buren Street, Chicago, Ill. 60605); Mr. Richard J. Schreider (657 West Jackson Boulevard, Chicago, Ill. 60606); Mr. Robert H. Stahlheber (210 North 13th Street, St. Louis, Mo. 63103); Mr. William A. Thie (Katy Building, Dallas, Tex. 75602); and Mr. Harvey Huston (80 East Jackson Boulevard, Chicago, Ill. 60604). Thereafter, the Commission will proceed to render its decision in this matter, including the observance of any additional requirements that appear warranted to assure due process of law.

Notice, pursuant to statutory requirements, of the filing of this petition will be given by publication hereof in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7736; Filed, June 30, 1969; 8:49 a.m.]

[Ex Parte No. MC-37 (Sub-Nos. 2B, 2C)]

COMMERCIAL ZONES AND TERMINAL AREAS

Minneapolis-St. Paul, Minn., Commercial Zone

Present: Rupert L. Murphy, Commissioner, to whom the matters which are the subjects of this order has been assigned for action thereon.

Upon consideration of the records in the above-entitled proceedings, and of:

(1) Joint petition of Admiral-Merchants Motor Freight, Inc., and Bruce Motor Freight, Inc., filed November 21, 1968, as supplemented, for the establishment of special rules, or in the alternative, for oral hearing in the above-entitled proceedings;

(2) Joint petition of petitioners in (1) above and Minnesota-Wisconsin Truck Lines, Inc., and Witte Transportation Co., filed April 21, 1969, to reject representations filed in the above-entitled proceedings, or, in the alternative, for the establishment of special rules;

(3) Reply to petition in (1) above by petitioner in Ex Parte No. MC-37 (Sub-No. 2B), filed December 16, 1968, as supplemented;

(4) Reply to petition in (2) above by petitioner in (3) above, filed May 12, 1969,

(5) Reply to petition in (2) above by petitioner in Ex-Parte No. MC-37 (Sub-No. 2C), filed May 12, 1969; and good cause appearing therefor:

It is ordered, That any party in these proceedings may file a written reply to any statement or representation heretofore filed in these proceedings, and that such reply statements may be filed on or before August 1, 1969.

It is further ordered, That the petitions in (1) and (2) above, except to the extent granted herein, be, and they are hereby, denied.

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

By the Commission, Commissioner Murphy.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7737; Filed, June 30, 1969; 8:49 a.m.]

[Notice 858]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 26, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub-No. 138 TA), (Correction), filed May 14, 1969, published FEDERAL REGISTER, issue of May 27, 1969, and republished as corrected this issue. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 733 South Paydras Street, Dallas, Tex. 75202. Applicant's representative: R. B. Coghlan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading; (1) between Houma, La., and New Orleans, La., over U.S. Highway 90, serving only termini and no intermediate points; and (2) between Houma, La., and Lafayette, La., over U.S. Highway 90, serving only termini and no intermediate points, for 180 days. NOTE: The purpose of this republication is to show that the proposed transportation will be over regular routes, and also to add Route (1) above. Applicant intends to tack with its existing authority in MC 30319 and Subs. Supporting shippers: There are approximately 17 statements of support attached to the application, which statements may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1314 Wood Street, 513 Thomas Building, Dallas, Tex. 75202.

No. MC 51146 (Sub-No. 137 TA) (Correction), filed June 9, 1969, published FEDERAL REGISTER, issue of May 19, 1969, and republished as corrected this issue. Applicant: SUCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. J. Schneider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials, equipment, and supplies used in the manufacture and distribution of paper and paper products*, between Marshall, Mich., on the one hand, and on the other hand, points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. NOTE: The purpose of this republication is to include West Virginia, inadvertently omitted in previous publication. Supporting shipper: St. Regis Paper Co., Folding Carton Division, 820 Industrial Road, Marshall, Mich. 49068. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 106398 (Sub-No. 406 TA), filed June 19, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Travel trailers, from the plantsite of Serro Travel Trailer Co., Bristow, Okla., to points in Texas, Arkansas, Missouri, Kansas, and Illinois, for 180 days. Supporting shipper: Serro Travel Trailer Co., Scotty Drive, Bristow, Okla. 74010. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 106398 (Sub-No. 407 TA), filed June 19, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite of Factory Homes Corp. at Van Buren, Ark., to points in Texas, Oklahoma, Kansas, Missouri, Illinois, Nebraska, Tennessee, Louisiana, and Mississippi, for 180 days. Supporting shipper: Factory Homes Corp., Post Office Drawer W, Van Buren, Ark. 72956. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third Street, Oklahoma City, Okla. 73102.

No. MC 107107 (Sub-No. 398 TA), filed June 20, 1969. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, and pineapples and coconuts*, when moving with bananas and/or plantains, from Wilmington, Del., to points in North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, South Dakota, Nebraska, Kansas, and Missouri, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 108207 (Sub-No. 263 TA), filed June 17, 1969. Applicant: FROZEN FOOD EXPRESS, INC., 317 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, cheese, and cheese foods*, from Dallas, Tex., to points in Oklahoma, Kansas, Indiana, Ohio, and to Louisville, Ky., for 180 days. NOTE: Applicant does not intend to tack authority. Supporting shipper: Dairymen, Inc., Post Office Box 2760, Lafayette, La. 70501. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 113678 (Sub 355 TA), filed June 23, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood plasma*, from Denver, Colo., to Berkeley, Calif., for 180 days. Supporting shipper: Cutter Laboratories, Fourth and Parker Streets, Berkeley, Calif. 94710. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 123766 (Sub-No. 9 TA), filed June 19, 1969. Applicant: D & O FAIRCHILD, INC., 19 West Washington Avenue, Yakima, Wash. 98902. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, boxes, fiberboard, paper, or pulpboard*, in bags, cases, or bundles, and *partitions or interior packing forms, fiberboard, paper, or pulpboard, flat or nested in bundles*, between Longview, and Yakima, Wash., on the one hand, and points in Idaho, on the other hand, under contract with Longview Fibre Co., for 180 days. Supporting shipper: Longview Fibre Co., Post Office Box 639, Longview, Wash. 98632. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 124078 (Sub-No. 388 TA), filed June 23, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk and in packages, from Sewanee, Tenn., to points in Virginia, for 150 days. Supporting shipper: Sewanee Silica Co., Division of Wedron Silica Co., 135 South La Salle Street, Chicago, Ill. 60603 (Thomas Mitropoulos, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124111 (Sub-No. 22 TA), filed June 19, 1969. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, Sandusky, Ohio 44870. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from the Port of Wilmington, Del., to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, St. Louis, Mo., and Louisville, Ky., for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124236 (Sub-No. 31 TA), filed June 18, 1969. Applicant: CEMENT EXPRESS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Ellis County, Tex., to points in Arkansas, for 180 days. NOTE: Applicant does not intend to tack with any existing authority. Supporting shippers: Texas Industries, Inc., Post Office Box 400, Arlington, Tex. 76010; Gifford Hill Portland Cement Co., Post Office Box 47127, Arlington, Tex. 76010. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 126342 (Sub-No. 3 TA), filed June 23, 1969. Applicant: SOUTHERN MILL CREEK PRODUCTS CO., INC., 5414 North 56th Street, Tampa, Fla. 33610. Applicant's representative: Doris A. Dudney, Post Office Box 1438, Tampa, Fla. 33601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk liquid technical malathion*, from Linden, N.J., to points in Georgia, Alabama, Mississippi, Louisiana, and Texas, for 150 days. Supporting shipper: American Cyanamid Co., Industrial Chemicals Division, Wayne, N.J. 07470. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 128353 (Sub-No. 2 TA), filed June 12, 1969. Applicant: LEE J. PRENTICE, West Bend, Iowa 50597. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock*, in bulk, in dump trucks, from points in Worth County, Iowa, to points in Faribault and Freeborn Counties, Minn., for 150 days. Supporting shipper: Concrete Materials Division, Martin Marietta Corp., 4096 First Avenue, Northeast, Cedar Rapids, Iowa 52406. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 129357 (Sub-No. 3 TA), filed June 18, 1969. Applicant: TUCKER FOOD DISTRIBUTORS, INC., Post Office Box 726, Marion, Va. 24354. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, with prior or subsequent movement via rail, from Marion, Va., to Sugar Grove, Va., over Virginia Highway 16, and return over same route, for 180 days. Supporting shipper: Brunswick Corp., Marion, Va. 24354. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

MOTOR CARRIER OF PASSENGERS

No. MC 133826 TA, filed June 20, 1969. Applicant: City Wide Transportation Co., Inc., 2800 Shell Road, Brooklyn, N.Y. Applicant's representative: Sidney Leshin, 501 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Children*, participating in the mayor's urban task force program, from New York, N.Y., to points in New Jersey, Connecticut, and Pennsylvania and return, for 180 days. Supporting shipper: City of New York, Office of the Mayor, New York, N.Y. 10007. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7738; Filed, June 30, 1969; 8:49 a.m.]

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

PUBLIC AFFAIRS ADVISER

Notice of Basic Compensation

Pursuant to the provisions of section 309 of Public Law 88-426, as modified by the Federal Salary Act of 1967 (Public Law 90-206), and in conformity with Executive Order 11474 of June 16, 1969, issued by the President under section 212 of said Act, notice is hereby given that the rate of basic compensation of the Public Affairs Adviser of the U.S. Arms Control and Disarmament Agency has been adjusted to $33,495 per annum effective July 13, 1969.

GERARD SMITH,
Director.

JUNE 25, 1969.

[F.R. Doc. 69-7700; Filed, June 30, 1969; 8:46 a.m.]

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