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New Location of Federal Register Office.

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Agencies in this issue—

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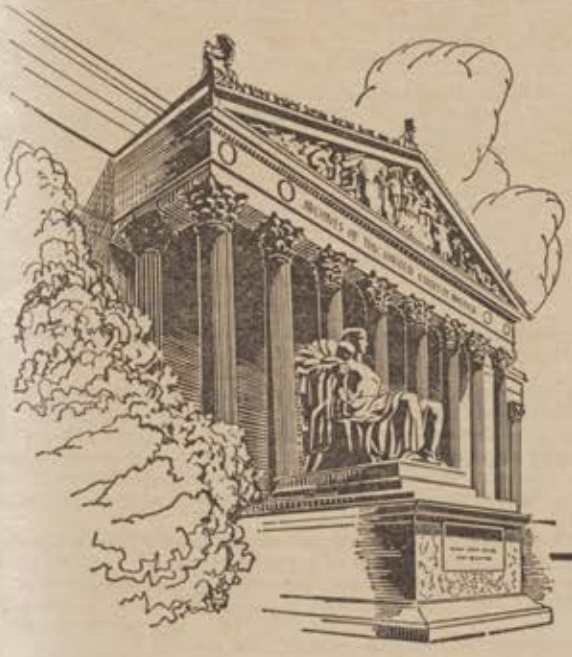

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

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PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3311 is amended to show that the position of Deputy Assistant Postmaster General, Bureau of Operations is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) is added to paragraph (f) of section 213.3311 as set out below.

§ 213.3311 Post Office Department.

* * * * *

(f) *Bureau of Operations.* * * *

(6) Deputy Assistant Postmaster General, Bureau of Operations.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-7917; Filed, July 3, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR WHEAT CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on January 10, 1969 (34 F.R. 377), which were designated for wheat crop insurance for the 1970 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations.

OHIO	
Stark.	Tuscarawas.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 69-7931; Filed, July 3, 1969; 8:48 a.m.]

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

[Lemon Reg. 381]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.681 Lemon Regulation 381.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 1, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 6, 1969, through July 12, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: July 2, 1969.

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

[F.R. Doc. 69-7994; Filed, July 3, 1969; 8:48 a.m.]

[Pear Reg. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Pear Commodity Committee reflect its appraisal of the 1969 California pear crop and the prospective marketing factors affecting the supply of and demand for pears by grades and sizes thereof. The volume of the developing California

pear crop and the size and quality of the fruit are such that the minimum size and grade requirements, hereinafter specified, are necessary to (1) establish and maintain returns to producers consistent with the declared policy of the act by preventing the shipment of less desirable pears to fresh market outlets and (2) provide consumers with pears of the most desirable size and quality. The container marking requirements, included herein, are necessary to assure that containers are properly marked as to variety for inspection identification.

(3) 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 regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1969. A reasonable determination as to the supply of, and the demand for, such pears must await the development of the crop thereof, and adequate information thereon was not available to the Pear Commodity Committee until June 25, 1969, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such pears. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such pears are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such pears; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.418 Pear Regulation 1.

(a) *Order.* (1) During the period July 5, 1969, through December 31, 1969, no handler shall ship any box or container of Bartlett, Max-Red (Max-Red Bartlett, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears unless:

(i) At least 85 percent, by count, of the pears contained in such box or container shall grade at least U.S. No. 1 with the remainder thereof grading not less than U.S. No. 2; and

(ii) Such pears are of a size not smaller than the size known commercially as size 165.

(2) During the effective period of this regulation no handler shall ship any box or other container of pears of any variety unless such box or other container is stamped or otherwise marked, in plain sight and in plain letters, on one outside end with the name of the variety, if known, or when the variety is not known, the words "unknown variety."

(b) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 165" means a size Bartlett, Max-Red (Max-Red Bartlett, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with 165 pears and with the 22 smallest pears weighing not less than five and three-quarter pounds.

(3) "Standard pear box" means the container so designated in section 43599 of the Agricultural Code of California.

(4) "U.S. No. 1," "U.S. No. 2," and "standard pack" shall have the same meaning as when used in the U.S. Standards of Pears (Summer and Fall), 7 CFR 51.1260–51.1280.

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

Dated: July 2, 1969.

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

[F.R. Doc. 69-7995; Filed, July 3, 1969; 8:48 a.m.]

[945.328]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation, to be made effective under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945) regulating the handling of Irish potatoes grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER June 26, 1969 (34 F.R. 9871). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days after publication. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said market agreement and order, it is hereby found and determined that this limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations by the Idaho-Eastern Oregon Potato Committee reflect its appraisal of the crop and prospective market conditions. Shipments of potatoes from the production area are expected to begin on or about July 7, 1969. The proposed regulation provided herein is necessary to prevent immature potatoes and potatoes of lower grades and undesirable sizes from being distributed in the channels of commerce to improve the returns to producers for preferred grades and sizes. The specific requirements, hereinafter set forth, regulate the handling of potatoes by grade, size, cleanliness, and maturity so as to (1) promote orderly marketing, (2) standardize the quality of the potatoes shipped from the production area, and (3) maximize returns to the producers pursuant to the declared policy of the Act.

The proposed regulation with respect to special purpose shipments for other than fresh market use is designed to meet the different requirements for such outlets.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that shipments of potatoes grown in the production area are currently being marketed and the regulation should become effective at the time herein provided to maximize the benefits to producers; and good cause exists for making the provisions hereof effective not later than July 7, 1969. Idaho-Eastern Oregon Potato Committee held an open meeting June 13, 1969, to consider recommendations for a limitation of shipments regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the recommendation by the committee has been disseminated among the growers and handlers of potatoes in the production area; compliance with this section will not require any special preparation of potato sorting and packing equipment on the part of handlers subject thereto which cannot be completed on or before the effective time hereof.

§ 945.328 Limitation of shipments.

During the period July 7, 1969, through June 30, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements—*(1) *Grade—All varieties.* U.S. No. 2, or better grade.

(2) *Size*—(i) *Round red varieties*—1⅞ inches minimum diameter.

(ii) All other varieties—2 inches minimum diameter, or 4 ounces minimum weight.

(iii) All varieties—Size B if U.S. No. 1, or better grade.

(iv) When containers of long varieties of potatoes are marked with a count or similar designation they must meet the weight range for the count designation listed below:

Count designation	*Weight range*
Larger than 50 count	15 ounces or larger.
50 count	12–19 ounces.
60 count	10–16 ounces.
70 count	9–15 ounces.
80 count	8–13 ounces.
90 count	7–12 ounces.
100 count	6–10 ounces.
110 count	5–9 ounces.
120 count	4–8 ounces.
130 count	4–8 ounces.
140 count	4–8 ounces.
Smaller than 140 count.	4–8 ounces.

The following tolerances, by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(*a*) 5 percent for undersize; and,

(*b*) 10 percent for oversize.

(3) *Cleanliness*—(i) *Kennebec variety*—Not more than "slightly dirty."

(ii) *All other varieties*—"Generally fairly clean."

(b) *Minimum maturity requirements*—(1) *White Rose variety.* During the period July 7, 1969, through December 31, 1969, "moderately skinned" and thereafter they may be handled without regard to the maturity requirements. "Moderately skinned" means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *All other varieties.* "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided*, That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Certified seed;

(ii) Charity;

(iii) Starch;

(iv) Canning or freezing;

(v) Dehydration;

(vi) Experimentation; and

(vii) Seed pieces cut from stock eligible for certification as certified seed.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Export: *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) Potato chipping or prepeeling including potato sticks (French fried shoestring potatoes): *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(d) *Safeguards.* Each handler making shipments of potatoes for starch, canning, or freezing, dehydration, experimentation, seed pieces cut from stock eligible for certification, export, potato chipping, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(3) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(4) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(5) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," and "slightly dirty" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(g) *Applicability to imports.* Pursuant to § 608e–1 of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated July 2, 1969, to become effective July 7, 1969.

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

[F.R. Doc. 69-7968; Filed, July 3, 1969; 8:48 a.m.]

[948.360]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado Area No. 3, was published in the FEDERAL REGISTER June 26, 1969 (34 F.R. 9872). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days after publication. None was filed.

Statement of consideration. The notice was based on the recommendations and information submitted by the Colorado Area No. 3 Potato Committee, established pursuant to the said marketing agreement and order and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1969 potato crop in Area No. 3 and of the marketing prospects for this season.

The grade, size, quality, and pack requirements provided herein are necessary to prevent immature potatoes, or those that are of undesirable sizes, or below grade, or in deceptive packs from

being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The regulations, with respect to special purpose shipments for other than fresh market use, are designed to meet the different requirements for such outlets.

Findings. After consideration of all relevant matter presented in the aforesaid notice, based upon the recommendations of the Colorado Area No. 3 Potato Committee and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is hereby further found that good cause exists for making this regulation effective at the time herein provided and for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) identical regulations have been issued under the State order for intrastate shipments, so producers and handlers are aware of the provisions of this regulation under this Federal program, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 948.360 Limitation of shipments.

During the period July 7, 1969, through June 30, 1970, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) through (h) of this section.

(a) *Grade and size requirements*—(1) *Round varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter.

(2) *Long varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter or 4 ounces minimum weight; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better grade.

(b) *Maturity (skinning) requirements—All varieties.* For U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned."

(c) *Container requirements.* Potatoes may be handled only in containers classified by weight as follows:

(1) 5 pounds;
(2) 10 pounds;
(3) 20 pounds;
(4) 25 pounds;
(5) 50 pounds; or
(6) 100 pounds and larger.

(d) *Special purpose shipments*—(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of U.S. No. 2, or better grade, 1½ inches minimum diameter, if such potatoes are handled in accordance with paragraph (e) of this section.

(2) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed; or
(ii) Charity.

(3) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for:

(i) Chipping; or
(ii) Prepeeling.

(4) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of seed potatoes (§ 948.6) but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler making shipments of potatoes for chipping or prepeeling pursuant to paragraph (d) of this section shall—

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Shipment by motor vehicle.* No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto or such other document as the committee may specify.

(g) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(i) *Applicability to imports.* Pursuant to § 608e–1 of the act and § 980.1, "Import regulations" (7 CFR 980.1, round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1969, through June 4, 1970, shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated: July 2, 1969, to become effective July 7, 1969.

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

[F.R. Doc. 69–7969; Filed, July 3, 1969; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 317—LABELING

PART 318—REINSPECTION AND PREPARATION OF PRODUCTS

Notice of Revocation of Approval for Use of Ionizing Radiation

Pursuant to the authority conferred by section 21 of the Federal Meat Inspection Act, as amended (21 U.S.C. Supp. IV, 621) § 317.9(f) and § 318.19 of the Federal Meat Inspection Regulations (9 CFR 317.9(f) and 318.19) are deleted.

This action terminates the authorization for the use of ionizing radiation in preparing bacon at establishments subject to the Act and is in harmony with action of the Food and Drug Administration in revoking the Food Additive Regulation which provided for use of ionizing radiation of bacon.

This document shall become effective upon publication in the FEDERAL REGISTER.

This action does not affect meat processors or consumers since no products utilizing treatment by ionizing radiation have been produced for commercial consumption. Therefore, it is found upon good cause, under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to this document are impracticable and unnecessary and good cause is found for making this document effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., on July 1, 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69–7930; Filed, July 3, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Special Reg. SPR-31; Amdt. 3]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Inclusive Tour Contracts on Annual Basis

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of July 1969.

By circulation of SPDR-15 (Docket 20845), dated March 24, 1969, and publication at 34 F.R. 5745, the Board gave notice that it was considering an amendment to Part 378 to provide that where a tour prospectus covers a series of tours pursuant to one charter contract, the elapsed time between the commencement of the first tour and the departure of the last tour shall not exceed 1 year, instead of 180 days between commencement and completion as at present.

Two supplemental air carriers, Universal Airlines, Inc., and Modern Air Transport, Inc., support the proposal; one scheduled air carrier, Pan American World Airways, Inc., opposes it. The supplemental carriers agree it is now the practice of the industry to plan and promote a series of tours for 52 consecutive weekly departures. Pan American, on the other hand, asserts that the 180-day limitation and the filing of a report within 30 days after completion of the series are the only regulations that protect the public against unwarranted cancellation of tours by tour operators. Permitting tour operators to plan an unlimited number of tours spanning a year would, in Pan American's view, "encourage greater abuse" by cancellations and put off for 6 months any means of assuring the ITC's are not provided for the benefit of the tour operator at the expense of the public.

We believe Pan American's fears of abuse of Part 378 by the tour operators are unfounded. Section 378.20(b) requires the supplemental air carrier to give prompt notice of canceled tours, and § 378.18(b) requires amendment of a prospectus where time permits. To date, there have been few complaints about the performance of tour operators and supplemental carriers under Part 378. However, we have decided to require an interim report in § 378.20 at the end of 6 months, as at present, so that the Board may be currently informed of any deviations from a prospectus and the reasons therefor. This interim report will impose little, if any, burden on the supplemental carriers and tour operators since they presently file such reports for a 6-month period. Editorial changes are also made in § 378.20 to delete references to the expired statement of authorization procedures.

Upon consideration of the comments, the Board has decided to adopt the amendment as proposed, and to add an interim posttour reporting requirement as indicated. Accordingly, except as modified herein, the tentative findings set forth in SPDR-15 are hereby made final.

Accordingly, the Board hereby amends Part 378 of the Special Regulations (14 CFR Part 378), effective August 4, 1969, as follows:

1. Amend paragraph (a) of § 378.18 to read as follows:

§ 378.18 Procedure applicable to periods on or after January 1, 1969.

(a) No inclusive tour or series of tours scheduled to commence on or after January 1, 1969, shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board a tour prospectus satisfying the requirements of § 378.13. If a series of tours is to be operated for one tour operator pursuant to one charter contract, the prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the departure of the last tour shall not exceed 1 year. The tour prospectus shall be filed at least 60 days before commencement of the tour or tours. Late filing of the prospectus will not be permitted except for good cause shown.

* * * * *

2. Amend § 378.20 to read as follows:

§ 378.20 Posttour reporting.

(a) Within 30 days after completion of a tour or series of tours, the supplemental air carrier and tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a posttour report: *Provided*, That in the case of a series of tours which exceeds 6 months between commencement of the first tour and departure of the last tour, the supplemental air carrier and tour operator shall file a joint interim report within 30 days after the expiration of 6 months from commencement of the first tour, covering tours completed during such 6 months. The posttour and interim report shall indicate whether or not the tours authorized hereunder were, in fact, performed. To the extent that the operations differed from those described in the prospectus filed under § 378.18, such differences shall be fully detailed including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation.

(b) The supplemental air carrier shall promptly notify the Board regarding any tours covered by a prospectus filed under § 378.18 that are later canceled.

(Secs. 204(a) and 101(33) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 82 Stat. 867; 49 U.S.C. 1324, 1301)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7976; Filed, July 3, 1969; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER N—GRAZING

PART 151—GENERAL GRAZING REGULATIONS

Corrections

JUNE 27, 1969.

On pages 9383-9386 of the FEDERAL REGISTER of June 14, 1969, there was published a revision of Part 151, Subchapter N, Chapter 1, Title 25, of the Code of Federal Regulations relative to the General Grazing Regulations applicable to Indian range lands. Under the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM2 and pursuant to the authority vested in the Secretary of the Interior by 5 U.S.C. 301, notice is hereby given that the rules published on June 14, 1969, are corrected as follows:

1. In § 151.7—*Grazing on range units authorized by permit*, the first sentence of this section is corrected to read as follows: "All grazing use of range units shall be authorized by a grazing permit except Indians' use of their own land pursuant to § 151.8."

2. In § 151.11—*Competitive and negotiated sale of grazing privileges*, the first sentence of paragraph (a) of this section is corrected to read as follows: "(a) Grazing privileges not exempt from permit under § 151.8 and not reserved for allocation under § 151.10 shall be advertised for competitive public sale by the Superintendent except as otherwise provided in paragraph (b) of this section."

T. W. TAYLOR,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-7911; Filed, July 3, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart E-1—Occupations in Agriculture Particularly Hazardous for the Employment of Children Below the Age of 16

VOCATIONAL AGRICULTURE TRAINING EXEMPTION

A proposal was published at 34 F.R. 7084 inviting written data, views, or arguments on the granting of certain exemptions from 29 CFR 1500.71(b) of Title 29, Code of Federal Regulations, to children at least 14 years of age who have received training in the safe use of tractors and farm machinery under the programs of the Office of Education, U.S. Department of Health, Education, and Welfare. After consideration of all matter presented by interested persons, 29

CFR 1500.70 is amended by adding a new paragraph (g) as set out below. As the amendment relieves present restrictions, delay in its effective date is excused by 5 U.S.C. 553(d)(1). As it further appears that no good purpose would be served by such delay, this amendment is effective immediately.

The new paragraph (g) is as follows:

§ 1500.70 General.

* * * * *

(g) *Vocational-Agriculture Training Exemption.* (1) To the extent provided in subparagraphs (2) or (3) of this paragraph (g) the findings and declarations of fact made in § 1500.71(b) shall not apply to children who have been instructed by their employer on the safe and proper operation of the specific equipment they are to use, and over whom he maintains close supervision where feasible, or, where not feasible in work such as cultivating, the employer or his representative checks on each child's safety at least midmorning, noon, and midafternoon.

(2) With respect to the occupations identified in subparagraph (5) of § 1500.71(b), the findings and declarations of fact expressed in that paragraph shall not apply to any child when the requirements of subparagraph (1) of this paragraph (g) and each of the following requirements are met:

(i) The child is 14 years of age, or older.

(ii) The child is familiar with the normal working hazards in agriculture.

(iii) The child has completed a 15-hour training program which includes the required units specified in the Vocational Agriculture Training Program in Safe Tractor Operation outlined by the Office of Education, U.S. Department of Health, Education, and Welfare. (Training program is outlined in Special Paper No. 8, April 1969, prepared at Michigan State University, East Lansing, Mich., for the Office of Education. Copies may be obtained from the Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.)

(iv) The child has passed both a written test and a practical test on tractor safety (the practical test must include demonstrating his ability to operate safely a tractor with a two-wheeled trailed implement on the test course included in the Vocational Agriculture Training Program in Safe Tractor Operation outlined by the Office of Education, U.S. Department of Health, Education and Welfare).

(v) His employer has on file with the employee's records kept pursuant to Part 516 of this title a true copy of a certificate relating to him, signed by his parent or guardian and signed by the Vocational-Agriculture teacher who conducted the course to the effect that he has completed all the requirements specified in subdivisions (i) through (iv) of this subparagragh.

(3) With respect to the occupations identified in subparagraphs (5), (6), (7), (8), (9), and (10) of § 1500.71(b), the findings and declarations of fact expressed in that paragraph shall not apply to any child when the requirements of subparagraph (1) of this paragraph (g) and each of the following requirements are met:

(i) The child satisfied all the requirements of subparagraph (2) of this paragraph.

(ii) The child has completed an additional 10-hour training program which includes the required units specified in the Vocational Agriculture Training Program in Safe Farm Machinery Operation outlined by the Office of Education, U.S. Department of Health, Education, and Welfare. (Training Program is outlined in Special Paper No. 8, April 1969, prepared at Michigan State University, East Lansing, Mich., for the Office of Education. Copies may be obtained from the Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.)

(iii) He has passed both the written test and practical test on safe machinery operation included in the Vocational Agriculture Training Program in Safe Farm Machinery Operation outlined by the Office of Education, U.S. Department of Health, Education, and Welfare.

(iv) His employer has on file with the employee's records kept pursuant to Part 516 of this title a true copy of a certificate relating to him, signed by his parent or guardian and signed by the Vocational-Agriculture teacher who conducted the course to the effect that he has completed all the requirements specified in subdivisions (i) through (iii) of this subparagraph.

(29 U.S.C. 203, 213)

Signed at Washington, D.C., this 27th day of June 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-7900; Filed, July 3, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

How Assignment is Made

Section 1471.2 *How assignment is made* is amended in the following respects:

Paragraph (b) is amended by inserting the following, after the third sentence thereof, and paragraph (d) is amended by adding, at the end thereof, the following:

§ 1471.2 How assignment is made.

* * * * *

(b) * * * If the fiscal year of the contractor is a fractional part of 12 months, the $800,000 amount will be reduced to the same fractional part thereof for the purposes of this paragraph. * * *

* * * * *

(d) * * * If the fiscal year of the contractor is a fractional part of 12 months, the $100,000 amount will be reduced to the same fractional part thereof for the purposes of this paragraph.

* * * * *

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

Dated: July 1, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-7912; Filed, July 3, 1969; 8:46 a.m.]

PART 1472—CONDUCT OF RENEGOTIATION

Miscellaneous Amendments

§ 1472.4 [Amended]

Section 1472.4 *Conduct of renegotiation by Board* is amended by deleting the third sentence of paragraph (c).

Section 1472.5 *Notice of Points for Presentation* is amended by deleting paragraphs (a) and (c) in their entirety and inserting in lieu thereof the following:

§ 1472.5 Notice of Points for Presentation.

(a) *When sent.* The Board will send the contractor a Notice of Points for Presentation in every Class A case reassigned to the Board pursuant to § 1473.2(a) or § 1474.3(a) of this chapter, and in any other reassigned case in which the Board in its discretion considers the sending of such a notice desirable. In the absence of unusual circumstances, if a Notice of Points for Presentation is to be sent, it will be mailed to the contractor not less than 10 days before the date fixed for the division meeting with the contractor pursuant to § 1472.4(c).

* * * * *

(c) *Contents.* The Notice of Points for Presentation will set forth, in summary form, any points or matters on which presentation is desired by the Board division. Such points or matters may relate to facts, law, accounting, factor evaluation, or other aspects of the case. The notice will state that, although the contractor will have the opportunity to present and discuss with the division any matters which the contractor considers pertinent, the contractor will be expected to deal specifically and in appropriate detail with the points or matters set forth in the notice. The notice will advise the contractor that he may, if he so desires, present his views in writing, before the meeting, on the points or matters set forth in the notice. Every reasonable effort will be made to set forth in the notice the points or matters with respect to which it is believed that presentation will be helpful to the division in its consideration of the case.

* * * * *

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

Dated: July 1, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-7913; Filed, July 3, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

[CGFR 69-57]

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS: ST. MARYS RIVER, MICH.

Disestablishment of Lookout Station No. 1

1. The Commander, 9th Coast Guard District, Cleveland, Ohio, by letter dated May 12, 1969, requested the disestablishment of the Coast Guard Lookout Station No. 1 on Johnson Point, Sailors Encampment, Middle Neebish Channel, St. Marys River, Mich. The reason for the request is that modern radiophone communication between vessels and the river traffic controller has made the manned station obsolete. During the 1968 navigation season, Station No. 1 was left unmanned for a trial period. In this time 50 upbound vessel passages were made without incident. A public notice dated March 31, 1969, was issued by the Commander, 9th Coast Guard District, Cleveland, Ohio, describing the proposed changes. All known interested parties were notified and requested to comment on the proposed change. Of the 1,130 persons who received notice of the proposed change, only four filed objections thereto. These objections were based on the discontinuance of the visibility reports furnished by the station rather than the disestablishment of the station as an aid to navigation. It is contemplated that after the station is disestablished the residual services it previously furnished will be provided to mariners by more effective methods. Since the foregoing procedure afforded effective notice to all interested parties, publication of the notice of proposed rule making in the FEDERAL REGISTER is unnecessary. Therefore, the request to disestablish the Coast Guard Lookout Station No. 1 at Johnson Point, Sailors Encampment, Middle Neebish Channel, St. Marys River, Mich., as mentioned in 33 CFR 92.09, 92.15, 92.17, and 92.19 is granted.

2. This document effectuates this request by deleting the references to Lookout Station No. 1 as described in §§ 92.09, 92.15, 92.17, and 92.19.

3. Part 92 is amended by revising §§ 92.09 and 92.15 to read as follows:

§ 92.09 Lookout stations.

Lookout Stations for the St. Marys River Patrol are numbered and located as follows:

No. 3 off Mission Point, Little Rapids Cut.
No. 4 at upper end of Rock Cut, West Neebish Channel.

* * * * *

§ 92.15 Visual signals at lookout stations.

(a) The following signals are hoisted at Lookout Station No. 4 to indicate changes in the conditions of channel passage, and masters of vessels approaching the entrances to the several channels should be on the alert for such signals.

(1) *Closure of channel.* Indicated by two red balls by day, two red lights by night, hoisted vertically about 6 feet apart.

(2) *Channel partially obstructed.* Indicated by a red ball over a white ball by day, a red light over a white light by night, hoisted vertically about 6 feet apart.

(b) Boats of the patrol may carry the signal described in paragraph (a)(1) of this section, as required.

§ 92.17 [Revoked]

3. Part 92 is amended by revoking § 92.17.

4. Part 92 is amended by revising § 92.19(a) to read as follows:

§ 92.19 Temporary closure of West Neebish Channel.

(a) In the event the West Neebish Channel is temporarily closed to navigation (due to dredging, grounding of vessels, or other reasons), the resulting two-way navigation will pass through the Middle Neebish, Munuscong, and Sailors Encampment Channels. The closure and obstruction signals shall be shown from Lookout Station No. 4.

* * * * *

(Secs. 1-3, 29 Stat. 54-55, as amended, sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 474, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2))

Effective date: This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: June 26, 1969.

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

[F.R. Doc. 69-7903; Filed, July 3, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

[CGFR 69-53]

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

Requirements for Inspection, Equipment, Operation and Manning

On December 27, 1968, a notice of proposed rule making regarding an amendment to Subchapter I of Title 46, Code of Federal Regulations by adding a new Part 105 was published in the FEDERAL REGISTER (33 F.R. 19847). In accordance with the notice a public hearing regarding the proposed amendment was held on February 12, 1969 in the Customs Court Room, Federal Office Building, 909 First Avenue, Seattle, Wash., under the direction of the Commander, 13th Coast Guard District. Interested parties were given the opportunity of participating in the rule making by submitting written matter in advance of the hearing date and by submitting written and oral matter at the public hearing. After the public hearing, the Commander, 13th Coast Guard District forwarded to the Commandant (CMC), U.S. Coast Guard, Washington, D.C., the public hearing record, including the original written submissions, and his recommendations with respect to the submissions received. On March 25, 1969, in accordance with the provisions of 33 CFR 1.05-30, the Merchant Marine Council, in an executive session, duly considered all the relevant matter submitted. Thereafter, the Merchant Marine Council forwarded to the Commandant, U.S. Coast Guard appropriate recommendations regarding the proposed amendments.

A number of changes are made in the proposed regulations as a result of the oral and written comments received from the interested parties. The effective date of the regulations is changed from July 1, 1969, to December 1, 1969, in view of the fact that the earlier date falls within the fishing season. The proposal to limit the act of dispensing the petroleum products to other vessels only is deleted. The proposed prohibition against galley fires during cargo transfer operations is substantially relaxed. A new paragraph (c), is added to § 105.20-1 providing that plans or sketches of the cargo tanks and piping systems are not required if these installations have previously been accepted by the Coast Guard. Further, in response to the comments received § 105.90-1(b)(1) is amended to permit the continued use on vessels contracted for prior to December 1, 1969, of the associated piping systems of the tanks and containers, if in a satisfactory condition. Section 105.10-20 which defines the term permit is deleted since this term is not used in these regulations. Section 105.10-30 which defines the term tankerman is deleted as unnecessary in view of the provisions of § 105.50-5 *Tankerman.*

Prior to the enactment of the Act of July 11, 1968, the Coast Guard had instituted an interim voluntary program for inspecting these commercial fishing vessels. Some of the comments received have as their purpose the continuation of the interim requirements developed under this voluntary program. Specifically, it was suggested that the letters of compliance issued by the Coast Guard under the interim requirements be continued in force without further inspection of the vessels until the letters expire. This suggestion cannot be adopted since most of the letters of compliance issued under the interim requirements con-

tained no expiration date. In any event, the subsequent enactment of the statute does not permit the continued validity of the letters of compliance issued under a voluntary program without statutory sanction. It was further suggested that no cargo plans or sketches of the cargo tanks should be required since none were required under the interim requirements. This circumstance is not considered a valid reason for not requiring plans and sketches of installations not previously accepted. With respect to cargo tanks accepted under the voluntary program this comment has been adopted, as previously stated, by providing that plans or sketches of the cargo tanks and piping systems are not required if these installations have been previously accepted by the Coast Guard.

Comments were received that the fire pump pressure of 60 p.s.i. required by § 105.35–5(b)(2) is "too powerful." It is considered that this pressure is not excessive. This pump provides the minimum pressure required for an effective stream for firefighting purposes on these vessels. Finally, it was suggested that the tanks, the piping systems, the electrical installation, pumps, and firefighting equipment in use on these vessels prior to December 1, 1969, be permitted to be continued in use if in a good condition in the opinion of the Officer in Charge, Marine Inspection. This suggestion would have the effect of exempting existing vessels from practically all the requirements of these regulations and would in a large measure nullify the congressional intent. This suggestion cannot be accepted in this form. However, in response to this suggestion § 105.90–1(b)(1) is amended to permit the continued use of permanently or temporarily installed tanks or containers and their associated piping systems if in the opinion of the Officer in Charge, Marine Inspection they are in a satisfactory condition and are so maintained.

Accordingly, after due consideration of all the relevant matter presented by the interested parties and the recommendations of the Commander, 13th Coast Guard District and of the Merchant Marine Council, the amendment as so proposed in the FEDERAL REGISTER of December 27, 1968 (33 F.R. 19847), is hereby adopted subject to the following changes:

1. In the heading of Part 105 and of § 105.90–1 and in § 105.50–5(a) the words, "to other fishing vessels", are deleted.

2. In §§ 105.01–1(a), 105.01–5(a), and 105.01–5(d) and 105.45–1(a) the words, "to other vessels", are deleted.

3. In §§ 105.05–1(a) and 105.05–1(b) the words, "for the purpose of dispensing it to other vessels", are deleted and the words "installed' permanent tanks or portable containers", are changed to "permanently or temporarily installed tanks or containers".

4. In § 105.15–1(a), fifth line, the words, "it to other fishing vessels, such a", are changed to, "those liquids, the".

5. In § 105.15–10(a), seventh line, the words, "it to other vessels", are changed to, "those liquids".

6. In § 105.50–5(a), last line, the words, "of inspected vessels", are deleted.

7. In the heading of § 105.90–1 and in §§ 105.01–10(a), 105.05–1(a), 105.05–1(b), 105.05–3(a), 105.05–3(b), and 105.90–1(b), the month, "July", is changed to, "December".

8. In § 105.05–2(b), second line, the word, "temporary", is changed to "temporarily installed".

9. In § 105.15–1(c), first line, the word, "portable" is changed to "temporarily installed".

10. In § 105.10–15(a), sixth line, the word, "at", is changed to "of".

11. In § 105.15–1(d), in both the first and second lines, the word, "and", is changed to, "or".

12. Section 105.15–15(e) is deleted.

13. In § 105.20–1, a new paragraph (c) is added to provide that plans and/or sketches are not required if cargo tanks and piping systems have been previously accepted by the Coast Guard.

14. In footnote 3 of Table 105.20–3(a)(1), the last two words of the first line are corrected to read "with a" and the last word of the second line is corrected to read "the".

15. In § 105.20–3(a)(3), a new sentence is added between the first and second sentence which provides for limber holes at the bottom and air holes at the top of all baffles.

16. Section 105.20–3(d) is amended to provide that all tanks vented to the atmosphere shall be hydrostatically tested to a pressure of 5 pounds per square inch or 1½ times the maximum head to which they may be subject to in service. It also provides that a standpipe of 11½ feet in length attached to the tanks may be filled with water to accomplish the 5 pounds per square inch test.

17. In § 105.20–5 the heading is changed from "Valves and Fittings" to "Piping Systems" and paragraphs (a) and (b) have been interchanged. In the main, the section is amended to provide that the piping shall be copper, nickel copper or copper nickel having a minimum wall thickness of 0.035 inches and that seamless steel pipe or tubing may be used for diesel cargo systems.

18. In §§ 105.20–10(c) and 105.30–1(b), seventh line in each, the words, "C and", are deleted.

19. Section 105.30–1(a) is revised to provide that in compartments or areas containing tanks or pumps, handling other than Grade E petroleum products, no electrical fittings, fixtures, nor electrical equipment shall be installed or used unless approved for a Class I Group D hazardous location and so labeled by Underwriters Laboratories, Inc., or other recognized laboratories.

20. Section 105.45–5(a) is amended by permitting galley fires during cargo transfer operations provided that prior to transferring Grade B or C cargoes, the tankerman shall make an inspection to determine whether in his judgment galley fires may be maintained with reasonable safety during the transfer operations.

21. Section 105.10–20 *Permit* is deleted and § 105.10–25 *Pressure vacuum relief valve* is redesignated § 105.10–20.

22. Section 105.10–30 *Tankerman* is deleted and § 105.10–35 *Commercial Fishing Vessel* is redesignated § 105.10–25.

23. In § 105.60–5(a) the words, "dispensing fuel to other fishing vessels", are deleted.

24. Section 105.90–1(b)(1) is amended to substitute the words "Permanently or temporarily installed tanks or containers" for the words, "If installed, permanent tanks or portable tanks or containers"; to delete the words, "to other vessels", and to permit the use of the associated piping systems, if in a satisfactory condition.

25. Section 105.90–1(b)(2) is amended to substitute the words, "permanently or temporarily installed tanks or containers" for the words, "permanent tanks or portable tanks or containers".

Effective date. Part 105 of Title 46 CFR, as set forth in full hereinafter, is effective December 1, 1969.

Dated: June 2, 1969.

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

Subpart 105.01—Administration

Sec.

Subpart 105.05—Application

Subpart 105.10—Definition of Terms Used in This Part

Subpart 105.15—Inspection Required

Subpart 105.20—Specific Requirements—Cargo Tanks

AUTHORITY: The provisions of this Part 105 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended, 4488, as amended, secs. 2, 633, 63 Stat. 496, 545, sec. 6(b), 80 Stat. 938; 46 U.S.C. 375, 391a, 416, 481, 14 U.S.C. 2, 633, 49 U.S.C. 1655(b); 49 CFR 1.4 (a)(2), (f), unless otherwise noted.

Subpart 105.01—Administration

§ 105.01-1 Purpose and authority for regulations.

(a) The purpose of the regulations in this part is to provide adequate safety in the transporting and handling of certain petroleum products on board commercial fishing vessels, as contemplated by section 391a of title 46, United States Code (Tanker Act; R.S. 4417a, as amended), as amended by section 4 of Public Law 90-397 (approved July 11, 1968, 82 Stat. 341). As required by law, the regulations in this part set forth the minimum requirements for those commercial fishing vessels, which include transporting and dispensing certain petroleum products carried on board as an incidental part of their usual occupation (cannery tender, fishing tender or commercial fishing).

(b) The authority for the regulations in this part is in sections 375 and 391a of title 46, United States Code (R.S. 4405, as amended, 4417a, as amended). The authority to prescribe regulations and administer the provisions of laws governing the transportation and handling of flammable or combustible liquid cargoes in bulk in vessels was delegated to the Commandant, U.S. Coast Guard, by the Secretary of Transportation in rules designated 49 CFR 1.4 (a) and (f).

§ 105.01-5 Intent of Public Law 90-397 (approved July 11, 1968, 82 Stat. 341).

(a) Public Law 90-397 was enacted to give certain vessels engaged in the fishing industry of the States of Oregon, Washington, and Alaska certain exemptions from inspection and certification requirements administered by the Coast Guard, and to provide alternate requirements for any such vessel if transporting and dispensing its flammable or combustible liquid products, as incidental to its principal use as a cannery tender, fishing tender, or commercial fishing vessel.

(b) Public Law 90-397 exempts certain vessels engaged in the fishing industry of the States of Oregon, Washington, and Alaska from the requirements of section 88 (load lines), 367 (inspection and certification of seagoing motor vessels), and 404 (inspection of small craft carrying passengers or freight for hire) of title 46, United States Code.

(c) Public Law 90-397, section 4, amends the first paragraph of section 391a of title 46, United States Code (Tanker Act, R.S. 4417a, as amended), by adding at the end thereof the following sentence:

Notwithstanding the first sentence hereof, cannery tenders, fishing tenders, or fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska when engaged exclusively in the fishing industry shall be allowed to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as may be required by regulations promulgated by the Secretary of the department in which the Coast Guard is operating.

(d) Under the provisions of section 391a of title 46, United States Code, the Commandant may grant a permit to a vessel "when engaged exclusively in the fishing industry" of the States of Oregon, Washington, and Alaska as a cannery tender, fishing tender, or commercial fishing vessel to carry and dispense its flammable or combustible liquid products in bulk in limited quantities. A vessel whose primary purpose is to transport inflammable or combustible liquids in bulk shall be inspected and certificated under the applicable requirements in Parts 30 through 40 of Subchapter D (Tank Vessels) of this chapter.

§ 105.01-10 Effective date of regulations.

(a) The regulations in this part are effective on and after December 1, 1969. Amendments, revisions, or additions after that date shall become effective ninety (90) days after the date of publication in the FEDERAL REGISTER unless the Commandant shall fix a different time.

(b) The regulations in this subchapter are not retroactive in effect unless specifically made so at the time the regulations are issued. Changes in specification requirements of articles of equipment or materials used in construction shall not apply to such items which have been passed as satisfactory until replacement shall become necessary, unless a specific finding is made that such equipment or material used is unsafe or hazardous and has to be removed from vessels.

Subpart 105.05—Application

§ 105.05-1 Commercial fishing vessels dispensing petroleum products.

(a) The provisions of this part, with the exception of Subpart 105.90, shall apply to all commercial fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of Oregon, Washington, and Alaska, the construction of which is contracted for on or after December 1, 1969, which have or propose to have permanently or temporarily installed tanks or containers for dispensing petroleum products, Grades B and lower flammable or combustible liquids, in bulk in limited qauntities.

(b) The provisions of Subpart 105.90 shall apply to all commercial fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of Oregon, Washington, and Alaska, the construction of which was contracted for prior to December 1, 1969, which have or propose to have permanently or temporarily installed tanks or containers for dispensing petroleum products, Grades B and lower flammable or combustible liquids, in bulk in limited quantities.

§ 105.05-2 Prohibitions regarding petroleum products.

(a) Commercial fishing vessels shall not transport Grade A flammable liquids in bulk. (See § 105.10-15(a) for definition of Grade A flammable liquid.)

(b) On commercial fishing vessels, temporarily installed dispensing tanks or containers shall not be installed or carried below deck or in closed compartments on or above the deck.

§ 105.05-3 New vessels and existing vessels for the purpose of application of regulations in this part.

(a) *New vessels.* In the application of the regulations in this part, a new vessel is meant to be one the construction of which is contracted for on or after December 1, 1969.

(b) *Existing vessels.* In the application of the regulations in this subchapter, an existing vessel is meant to be one the construction of which was contracted for prior to December 1, 1969.

§ 105.05-5 Types of vessels.

(a) The only types of commercial fishing vessels to which the provisions of this part shall apply are:

(1) Self-propelled, manned vessels, with permanently installed dispensing tanks or containers on open decks.

(2) Self-propelled, manned vessels, with permanently installed dispensing tanks or containers located below deck or in closed compartments.

(3) Self-propelled, manned vessels, with temporary dispensing tanks or containers installed on open decks.

§ 105.05–10 Intent of regulations.

(a) The intent of the regulations in this part is to prescribe special requirements for commercial fishing vessels which are otherwise exempt from requirements of vessel inspection, but by reason of occasionally engaging in the service of carrying on board and dispensing liquid inflammable and combustible cargo in bulk are subject to certain requirements of title 46 United States Code section 391a.

(b) The application of the regulations governing petroleum products in bulk is limited to that portion of the vessel involved in the storage, carriage, and handling of such products. This shall include, but shall not be limited to:

(1) Permanently or temporarily installed tanks or containers;

(2) Compartments, areas or places where such tanks or containers are placed;

(3) Fuel filling systems;

(4) Fuel venting systems;

(5) Fuel piping and pumping systems.

(c) The regulations in this part also state the manning, crew requirements, and officers for those vessels when required by other specific provisions of law.

(1) Vessels carrying flammable or combustible liquids in bulk are required by section 391a(6)(a) of title 46, United States Code, to have aboard certificated tankermen.

(2) Vessels of 200 gross tons and upward and operating on the high seas are subject to the Officers' Competency Certificate Convention, 1936, and section 224a of title 46, United States Code, regarding licensed masters, mates, chief engineers, and assistant engineers.

Subpart 105.10—Definition of Terms Used in This Part

§ 105.10–1 General.

(a) Certain terms used in the regulations in this part are defined in this subpart.

§ 105.10–5 Approved.

(a) The term "approved" means approved by the Commandant, U.S. Coast Guard, unless otherwise stated.

§ 105.10–10 Combustible liquid.

(a) The term "combustible liquid" means any liquid having a flashpoint above 80° F. (as determined from an open cup tester, as used for test of burning oils). Combustible liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25–10 and 146.25–15 of Subchapter N (Dangerous Cargoes) of this chapter. In the regulations of this part, combustible liquids are referred to by grades, as follows:

(1) *Grade D.* Any combustible liquid having a flashpoint below 150° F. and above 80° F.

(2) *Grade E.* Any combustible liquid having a flashpoint of 150° F. or above.

§ 105.10–15 Flammable liquid.

(a) The term "flammable liquid" means any liquid which gives off flammable vapors (as determined by flashpoint from an open cup tester, as used for test of burning oils) at or below a temperature of 80° F. Flammable liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25–10 and 146.25–15 of Subchapter N (Dangerous Cargoes) of this chapter. Flammable liquids are referred to by grades as follows:

(1) *Grade A.* Any flammable liquid having a Reid[1] vapor pressure of 14 pounds or more.

(2) *Grade B.* Any flammable liquid having a Reid[1] vapor pressure under 14 pounds and over 8½ pounds.

(3) *Grade C.* Any flammable liquid having a Reid[1] vapor pressure of 8½ pounds or less and a flashpoint of 80° F. or below.

§ 105.10–20 Pressure vacuum relief valve.

(a) The term "pressure vacuum relief valve" means any device or assembly of a mechanical, liquid, weight, or other type used for the automatic regulation of pressure or vacuum in enclosed places.

§ 105.10–25 Commercial Fishing Vessel.

(a) The term "commercial fishing vessel" includes fishing vessels, cannery tenders and fishing tender vessels.

Subpart 105.15—Inspection Required

§ 105.15–1 General.

(a) Before a commercial fishing vessel may be used to transport combustible or flammable liquids in bulk in limited quantities for the purpose of dispensing those liquids, the vessel shall be inspected by the Coast Guard to determine that the vessel is in substantial compliance with the requirements in this part.

(b) A vessel with permanently installed cargo tanks shall be inspected biennially, or more frequently if necessary, by the Coast Guard to determine that the vessel is maintained in substantial compliance with the requirements in this part.

(c) A vessel with temporarily installed cargo tanks or containers shall be inspected annually, or more frequently if necessary, by the Coast Guard.

(d) Vessels while laid up or dismantled or out of commission are exempt from any or all inspections required by law or regulations in this part.

§ 105.15–5 Authority of marine inspectors.

(a) Marine inspectors may at any time lawfully inspect any vessel subject to the requirements in this part.

§ 105.15–10 Application for inspection.

(a) Prior to the commencement of the construction of a new vessel, or a conversion of a vessel to a commercial fishing vessel, intended for transporting combustible or flammable liquids in bulk in limited quantities for the purpose of dispensing those liquids, the owners, master, or agent shall submit an application for inspection and a letter of compliance to an Officer in Charge, Marine Inspection, at any Marine Inspection Office, U.S. Coast Guard.

(b) Application for inspection and renewal of letter of compliance of a vessel shall be made in writing by the master, owner, or agent to an Officer in Charge, Marine Inspection, at any Marine Inspection Office, U.S. Coast Guard.

(c) The application for inspection and letter of compliance shall be on Form CG–3752 or in letter form and set forth the following information:

(1) Vessel's name;

(2) Nature of employment and route or areas in which to be operated;

(3) Date and place where the vessel may be inspected;

(4) Date and place where the vessel was last inspected (if inspected); and,

(5) That application for inspection has not been made to any other Officer in Charge, Marine Inspection.

§ 105.15–15 Letter of compliance.

(a) When a vessel has been inspected and found to be in substantial compliance with the requirements of this part, a "letter of compliance" shall be issued to the vessel by the Officer in Charge, Marine Inspection.

(b) The letter of compliance shall permit the presence on board of liquid flammable or combustible cargoes in bulk, and describe the conditions governing the transportation and dispensing of such cargoes.

(c) The letter of compliance shall state the maximum amount of liquid flammable or combustible cargo in bulk to be carried on board.

(d) The letter of compliance shall be limited to a period of validity which shall not exceed 2 years. For cause, the letter of compliance may be suspended or revoked as authorized by law or regulations in this chapter.

§ 105.15–20 Exhibition of letter of compliance.

(a) On every vessel subject to this part, the original letter of compliance shall be framed under glass or other suitable transparent material and posted in a conspicuous place protected from the weather.

Subpart 105.20—Specific Requirements—Cargo Tanks

§ 105.20–1 Plans and/or sketches.

(a) The owners, master, or agent of a commercial fishing vessel shall submit with his application for the initial inspection a brief description and the plans and/or sketches of the cargo tanks and piping systems for filling and dispensing cargo; dimensions and identifications of material shall be included.

(b) If cargo tanks will be located in enclosed compartments or below decks, the plans and/or sketches shall also show the proposed ventilation system.

[1] American Society of Testing Materials Standard D–323 (most recent revision), Method of Test for Vapor Pressure of Petroleum Products (Reid Method).

(c) Plans and/or sketches are not required if the cargo tanks and piping systems have previously been accepted by the Coast Guard.

§ 105.20–3 Cargo tanks.

(a) *Construction and materials.* (1) The cargo tanks shall be constructed of iron, steel, copper, nickel alloy, or copper alloy. The tanks shall be designed to withstand the maximum head to which they may be subjected, except that in no case shall the thickness of the shell or head be less than that specified in this subparagraph. Tanks of over 150 gallons capacity shall have a minimum thickness as indicated in Table 105.20–3(a)(1):

TABLE 105.20-3(a)(1)

Material	A.S.T.M. specification (latest edition)	Thickness in inches and gage number [2] [4]
Nickel copper	B 127, hot rolled sheet or plate.	0.107 (USSG 12).
Copper nickel [1]	B 122, Alloy No. 5	0.128 (AWG 8).
Copper [1]	B 152, Type FTP	0.182 (AWG 5).
Copper silicon [1]	B97, Alloys A, B, and C.	0.144 (AWG 7).
Steel or iron		0.179 (MSG 7).

[1] Tanks fabricated with these materials shall not be utilized for the carriage of diesel oil.

[2] The gage numbers used in this table may be found in many standard engineering reference books. The letters "USSG" stand for "U.S. Standard Gage" which was established by the act of Mar. 3, 1892 (15 U.S.C. 206), for sheet and plate iron and steel. The letters "AWG" stand for "American Wire Gage" (or Brown and Sharpe Gage) for nonferrous sheet thicknesses. The letters "MSG" stand for "Manufacturers' Standard Gage" for sheet steel thicknesses.

[4] Tanks over 400 gallons shall be designed with a factor of safety of four on the ultimate strength of the tank material used with a design head of not less than 4 feet of liquid above the top of the tank.

(2) All tank joints, connections, and fittings shall be welded or brazed. Tanks with flanged-up top edges will not be acceptable.

(3) All tanks exceeding 30 inches in any horizontal dimension shall be fitted with vertical baffle plates of the same material as the tank. Limber holes at the bottom and air holes at the top of all baffles shall be provided. Tanks constructed of material of greater thickness than minimum requirements and that are reinforced with stiffeners may be accepted without baffles.

(4) An opening fitted with a threaded pipe plug may be used on the bottom of the tank for cleaning purposes.

(b) *Supports.* (1) Tanks shall be adequately supported and braced to prevent movement. The supports and braces shall be insulated from contact with the tank surface with a nonabrasive and nonabsorbent material.

(c) *Fittings.* (1) Filling lines shall be at least 1½ inches standard pipe size and extend to within 1½-pipe diameters of the bottom of the tank.

(2) Suction lines from diesel oil tanks may be taken from the bottom provided a shutoff valve is installed at the tank. Tanks for Grades B and C liquids shall have top suctions only.

(3) Vent lines shall be at least equal in size to the filling lines.

(4) When a cargo tank contains Grades B or C liquids, the vent lines shall be terminated with an approved pressure vacuum relief valve not less than 3 feet above the weather deck. When a cargo tank contains Grades D or E liquids the vent line may be terminated with a gooseneck fitted with flame screen at a reasonable height above the weather deck.

(d) *Hydrostatic tests.* All tanks vented to the atmosphere shall be hydrostatically tested to a pressure of 5 pounds per square inch or 1½ times the maximum head to which they may be subjected in service. A standpipe of 11½ feet in length attached to the tanks may be filled with water to accomplish the 5 pounds per square inch test.

§ 105.20–5 Piping systems.

(a) Piping shall be copper, nickel copper, or copper nickel having a minimum wall thickness of 0.035"; except that seamless steel pipe or tubing which provides equivalent safety may be used for diesel cargo systems.

(b) Valves shall be of a suitable nonferrous metallic Union Bonnet type with ground seats except that steel or nodular iron may be used in cargo systems utilizing steel pipe or tubing.

(c) Aluminum or aluminum alloy valves and fittings are prohibited for use in cargo lines.

§ 105.20–10 Pumps.

(a) Pumps for cargo dispensing shall be of a type satisfactory for the purpose.

(b) A relief valve shall be provided on the discharge side of pump if the pressure under shutoff conditions exceeds 60 pounds. When a relief valve is installed, it shall discharge back to the suction of the pump.

(c) Where electric motors are installed with dispensing pumps they shall be explosion proof and shall be labeled as explosion proof by Underwriter's Laboratories, Inc., or other recognized laboratory, as suitable for Class I, Group D atmospheres.

§ 105.20–15 Grounding.

(a) All tanks and associated lines shall be electrically grounded to the vessel's common ground.

(b) A grounded type hose and nozzle shall be used for dispensing fuels.

Subpart 105.25—Additional Requirements—When Cargo Tanks Are Installed Below Decks

§ 105.25–1 General requirements.

(a) Cargo tank and piping systems shall be as described in Subpart 105.20.

§ 105.25–5 Compartments or areas containing cargo tanks or pumping systems.

(a) Compartments or areas containing tanks or pumping systems shall be closed off from the remainder of the vessel by gastight bulkheads. Such gastight bulkheads may be pierced for a drive shaft and pump engine control rods if such openings are fitted with stuffing boxes or other acceptable gland arrangements.

§ 105.25–7 Ventilation systems for cargo tank or pumping system compartment.

(a) Each compartment shall be provided with a mechanical exhaust system capable of ventilating such compartment with a complete change of air once in every 3 minutes. The intake duct or ducts shall be of sufficient size to permit the required air change. The exhaust duct or ducts shall be located so as to remove vapors from the lower portion of the space or bilges.

(b) The ventilation outlets shall terminate more than 10 feet from any opening to the interior of the vessel which normally contains sources of vapor ignition. The ventilation fan shall be explosion proof and unable to act as a source of ignition.

§ 105.25–10 Cargo pumping installation.

(a) Cargo pumps shall not be installed in the cargo tank compartment unless the drive system is outside the compartment.

(b) Suction pipelines from cargo tanks shall be run directly to the pump, but not through working or crew spaces of vessel.

§ 105.25–15 Spacings around tanks.

(a) Tanks shall be located so as to provide at least 15" space around tank, including top and bottom to permit external examination.

§ 105.25–20 Shutoff valves required.

(a) Shutoff valves shall be provided in the suction lines as close to the tanks as possible. The valves shall be installed so as to shut off against the flow.

(b) Remote control of this shutoff valve shall be provided where deemed necessary by the marine inspector.

Subpart 105.30—Electrical Requirements

§ 105.30–1 Electrical fittings and fixtures.

(a) In compartments or areas containing tanks or pumps handling other than Grade E petroleum products, no electrical fittings, fixtures, nor electrical equipment shall be installed or used unless approved for a Class I, Group D hazardous location and so labeled by Underwriter's Laboratories, Inc., or other recognized laboratories. (See Subpart 110.10 of Subchapter J (Electrical Engineering) of this chapter for listings of standards.)

(b) All electrical equipment, fixtures and fittings within 10 feet of a vent outlet or a dispensing outlet shall be explosion proof and shall be labeled as explosion proof by Underwriter's Laboratories, Inc., or other recognized laboratory, as suitable for Class I, Group D atmospheres.

§ 105.30–5 Grounding of electrical equipment.

(a) All electrical equipment shall be grounded to the vessel's common ground.

Subpart 105.35—Fire Extinguishing Equipment

§ 105.35–1 General.

(a) In addition to the fire extinguishing requirements in section 526g of title 46, United States Code, and sections 25.30–1 to 25.30–90, inclusive, in Subchapter C (Uninspected Vessels) of this

chapter, or other laws and regulations in this chapter which may be applicable to a particular vessel at least two BII dry chemical or foam portable fire extinguishers bearing the marine type label of the Underwriter's Laboratories, Inc., shall be located at or near each dispensing area.

(b) This equipment shall be inspected prior to issuing a letter of compliance.

§ 105.35–5 Fire pumps.

(a) All vessels shall be provided with a hand operated portable fire pump having a capacity of at least 5 gallons per minute. This fire pump shall be equipped with suction and discharge hose suitable for use in firefighting. This pump may also serve as a bilge pump.

(b) A power-driven fire pump shall be installed on each vessel of more than 65 feet in length overall.

(1) The power fire pump shall be self-priming and of such size as to discharge an effective stream from a hose connected to the highest outlet.

(2) The minimum capacity of the power fire pump shall be 50 gallons per minute at a pressure of not less than 60 pounds per square inch at the pump outlet. The pump outlet shall be fitted with a pressure gage.

(3) The power fire pump may be driven off a propulsion engine or other source of power and shall be connected to the fire main. This pump may also be connected to the bilge system so that it can serve as either a fire pump or a bilge pump.

§ 105.35–10 Fire main system.

(a) All vessels required to be provided with a power-driven fire pump shall also be provided with a fire main system including fire main, hydrants, hose, and nozzles.

(b) Fire hydrants, when required, shall be of sufficient number and so located that any part of the vessel may be reached with an effective stream of water from a single length of hose.

(c) All piping, valves, and fittings shall be in accordance with good marine practice and suitable for the purpose intended.

§ 105.35–15 Fire hose.

(a) One length of fire hose shall be provided for each fire hydrant required.

(b) Fire hose may be commercial fire hose or equivalent of not over 1½-inch diameter or garden hose of not less than ⅝-inch nominal inside diameter. Hose shall be in one piece not less than 25 feet and not more than 50 feet in length.

(c) If 1½-inch hose is used, it shall be of a good grade fire hose and provisions shall be made for proper stowage to prevent kinking. The hose shall be fitted with an approved combination nozzle.

(d) If garden hose is used, it shall be of a good commercial grade constructed of an inner rubber tube, plies of braided cotton reinforcement and an outer rubber cover or of equivalent material, and shall be fitted with a commercial garden hose nozzle of good grade bronze or equivalent metal.

(e) All fittings on fire hose shall be of brass, copper, or other suitable corrosion resistant metal.

(f) A length of fire hose shall be attached to each fire hydrant at all times.

Subpart 105.45—Special Operating Requirements

§ 105.45–1 Loading or dispensing petroleum products.

(a) A commercial fishing vessel shall have a valid letter of compliance (see Subpart 105.15) on board and shall be in compliance with the requirements therein while dispensing petroleum products.

(b) The loading and/or dispensing of petroleum products from cargo tanks shall be under the supervision of a tankerman.

§ 105.45–5 Galley fires.

(a) Galley fires are normally permitted during cargo transfer operations. However, prior to transferring Grade B or C cargoes, the tankerman shall make an inspection to determine whether in his judgment galley fires may be maintained with reasonable safety during the transfer operations.

§ 105.45–10 Smoking.

(a) Smoking is prohibited during and in the vicinity of the transfer operations. At other times the senior officer on duty shall designate when and where the crew may smoke.

§ 105.45–15 Warning signals and signs.

(a) During transfer of cargo while fast to a dock, a red signal (flag by day and electric lantern at night) shall be so placed that it will be visible on all sides. At all other times of transfer a red flag only shall be displayed.

§ 105.45–20 Warning sign at gangway.

(a) Warning placards shall be kept at hand for display while a vessel is fast to a dock during transfer of cargo, to warn persons approaching the gangway. The placard shall state in letters not less than 2 inches high substantially as follows:

WARNING

No open lights.
No smoking.
No visitors.

Subpart 105.50—Manning Requirements

§ 105.50–1 General.

(a) The letter of compliance issued to a vessel of 200 gross tons and over shall state that such vessels shall comply with the requirements of section 224a of title 46, United States Code, regarding officers.

(b) The letter of compliance issued to a vessel shall state the minimum number of crew members required to hold a document endorsed as tankerman.

§ 105.50–5 Tankerman.

(a) Every commercial fishing vessel engaged in dispensing petroleum products shall have within its personnel complement a person holding a merchant mariner's document bearing an endorsement as "tankerman", or as "tankerman for commercial fishing vessels only" or a person holding a valid license as master, mate, pilot, or engineer.

Subpart 105.60—Tankerman for Commercial Fishing Vessels Only

§ 105.60–1 Merchant Mariner's Document.

(a) An applicant for a Merchant Mariner's Document endorsed as "tankerman for commercial fishing vessels only", shall make a written application in accordance with Part 12 of Subchapter B (Merchant Marine Officers and Seamen) of this chapter for tankermen.

(b) Except as provided otherwise in this subpart, the same policies, practices and procedures governing merchant mariners documents endorsed as "tankerman" shall apply to such documents endorsed "tankerman for commercial fishing vessels only".

§ 105.60–5 Experience as tankerman required.

(a) In lieu of the evidence of training required by Part 12 of Subchapter B (Merchant Marine Officers and Seamen) of this chapter for tankermen the applicant shall provide a letter of service stating that he has been trained in the loading and discharging of petroleum products from commercial fishing vessels.

§ 105.60–10 Oral or written examination required.

(a) In lieu of the examination required by Part 12 of Subchapter B (Merchant Marine Officers and Seamen) of this chapter for tankermen the applicant shall be given an oral examination or a written examination at his request, concerning the following subjects:

(1) Precautions to be observed to prevent fires and in the extinguishment of fires.

(2) Location, use and care of fire extinguishing equipment.

(3) Safe handling procedures for petroleum products.

(4) Operation and maintenance of fuel handling equipment.

(5) Ventilation of tanks and general knowledge of pressure vacuum valves.

(6) Ventilation of tank and pump spaces.

(7) Lights and signals displayed during transfer operations.

(8) Emergency procedures.

(9) Definitions and/or characteristics of petroleum products Grade B and lower.

Subpart 105.90—Existing Commercial Fishing Vessels Dispensing Petroleum Products

§ 105.90–1 Commercial fishing vessels dispensing petroleum products contracted for prior to December 1, 1969.

(a) The prohibition in § 105.05–2 shall apply to all commercial fishing vessels.

(b) Commercial fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska, the construction of which was contracted for

prior to December 1, 1969, shall meet the following requirements:

(1) Permanently or temporarily installed tanks or containers used for dispensing in limited quantities petroleum products in bulk, Grades B or lower flammable or combustible liquids, shall meet the applicable requirements in Subparts 105.20 (Tanks and piping systems), 105.25 (Cargo tanks below decks), 105.30 (Electrical). However, these tanks or containers and their associated piping systems in use prior to December 1, 1969, if in satisfactory condition in the opinion of the Officer in Charge, Marine Inspection, may be continued in use as long as they are maintained in such satisfactory condition.

(2) Minor repairs or alterations may be made in permanently or temporarily installed tanks or containers for petroleum products in bulk, which shall be to the satisfaction of the Officer in Charge, Marine Inspection. Major repairs or replacement of such tanks or containers shall be in accordance with requirements governing new installations as set forth in this part.

(3) All commercial fishing vessels shall comply with the applicable requirements in Subparts 105.15 (Inspections), 105.35 (Fire extinguishing equipment), 105.45 (Special operating requirements), and 105.50 (Manning requirements).

[F.R. Doc. 69-7921; Filed, July 3, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

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

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

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

The public hunting of gray squirrels, cottontail rabbits, raccoons, foxes, and opossums is permitted from December 21, 1969, to February 28, 1970, inclusive, in the Montezuma National Wildlife Refuge, N.Y., except on areas designated by signs as closed. The open area, comprising 5,285 acres, is delineated on maps available at refuge headquarters, 4 miles east of Seneca Falls, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all other applicable State regulations governing the hunting of the above mammals. Raccoons and opossums with ear tags or radio transmitters attached must be reported to refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1970.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 27, 1969.

[F.R. Doc. 69-7910; Filed, July 3, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 101, 102, 103, 104, 105, 106, 107, 108, 111]

WAREHOUSE REGULATIONS

Proposed Amendments of Licensing and Inspection Fees

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service, pursuant to the authority conferred by section 28 of the United States Warehouse Act (7 U.S.C. 268) is considering amending warehouse regulations appearing in Parts 101 through 108 and Part 111 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations as follows:

1. Section 101.51 would be amended to read:

§ 101.51 Warehouse inspection fee.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $20 for each 1,000 bales of cotton storage capacity of the warehouse, or fraction thereof, determined in accordance with § 101.5 but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

2. Section 102.58 would be amended to read:

§ 102.58 Warehouse inspection fee.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $1 for each 1,000 bushels of the grain storage capacity of the warehouse, or fraction thereof, determined in accordance with § 102.6(a), but in no case less than $40 nor more than $1,000, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

3. Section 103.48 would be amended to read:

§ 103.48 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license, or amendment thereto, issued to a sampler, weigher, grader or an inspector.

4. Section 104.46 would be amended to read:

§ 104.46 License fees; grader's and weigher's.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a grader or weigher.

5. Section 105.47 would be amended to read:

§ 105.47 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a grader, weigher, or an inspector.

6. Section 106.55 would be amended to read:

§ 106.55 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to an inspector or weigher.

7. Section 107.56 would be amended to read:

§ 107.56 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a sampler, grader, weigher, or an inspector.

8. Section 108.48 would be amended to read:

§ 108.48 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a weigher or an inspector.

9. Section 111.58 would be amended to read:

§ 111.58 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to an inspector, weigher, or grader.

10. Section 103.49 would be amended to read:

§ 103.49 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $3 for each 100,000 pounds of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 103.12 but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

11. Section 104.47 would be amended to read:

§ 104.47 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $2 for each 100,000 pounds of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 104.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

12. Section 105.48 would be amended to read:

§ 105.48 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $5 for each 1,000 bales of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 105.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

13. Section 106.56 would be amended to read:

§ 106.56 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application by a warehouseman, a fee at the rate of $1 for each 1,000 hundredweight of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 106.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not

greater than, that prescribed for the original inspection.

14. Section 107.57 would be amended to read:

§ 107.57 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $1 for each 100 tons of peanuts and/or $4 for each 1,000 hundredweight of walnuts, filberts, or pecans of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 107.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

15. Section 108.49 would be amended to read:

§ 108.49 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application by a warehouseman, a fee at the rate of $1 for each 5,000 gallons of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 108.12(a) but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

16. Section 111.59 would be amended to read:

§ 111.59 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $10 for each 1,000 tons of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 111.13 but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

Inspection fees are designed to recover the cost to the Department for performing original examinations made in response to applications voluntarily filed by warehousemen. Fees for cotton and grain have not been increased since 1952. Fees for other commodities were last increased in 1931.

The proposed amendments are designed to bring fees into line with current costs and equalize the fees where increases have not been made for a number of years.

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

Done at Washington, D.C., June 30, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-7905; Filed, July 3, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 78]

CONTROL OF ELECTRONIC PRODUCT RADIATION

Notice of Extension of Comment Period

On June 4, 1969, a notice of proposed rulemaking was published in the FEDERAL REGISTER (34 F.R. 8953) inviting comments regarding the proposed amendments to Part 78 of regulations implementing the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b et seq.). The amendments, in addition to outlining the treatment of imported products subject to the Act, prescribe (1) notification procedures required of manufacturers of any electronic product found to have a defect relating to the safety of its use by reason of electronic product radiation and (2) the procedure and manner in which manufacturers would repair, replace, or refund the cost of a defective product.

The notice stated that consideration would be given all comments received within 30 days after the above publication date, and notice was given to make the amendments effective on the date of their republication in the FEDERAL REGISTER.

The Bureau of Radiological Health has received a number of requests for an extension of time for submission of comments on the regulations, the first proposed under the Radiation Control for Health and Safety Act of 1968.

I have determined that an extension of time for comment on the regulations would be in the public interest to assure that all interested persons have been afforded an opportunity to study and comment on the proposal. Therefore, pursuant to the authority delegated to me by the Administrator, Consumer Protection and Environmental Health Service, the time within which comments on the proposed regulations will be received is hereby extended to the close of business on August 5, 1969.

Dated: June 30, 1969.

CHRIS H. HANSEN,
Commissioner, Environmental Control Administration.

[F.R. Doc. 69-7899; Filed, July 3, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18434, FCC 69-716]

CIGARETTES

Rules With Regard to Advertisement

The Commission has before it a request by the National Association of Broadcasters (NAB) on June 27, 1969, to extend the time for filing comments from July 7, 1969, to July 17, 1969. In making its request NAB states that meetings of the Radio and Television Code Boards are scheduled for July 8 and 9, 1969, respectively, and that the purpose of these meetings is to consider revisions in those provisions of the Code applicable to cigarettes.

The grant of a 10-day extension is appropriate and will permit the filing of more current comments regarding the question of voluntary action by the broadcast industry. A grant of the requested extension is in the public interest and will not impede the Commission's timely consideration of this proceeding.

Accordingly, it is ordered, That the time for filing comments herein is extended to on or before July 17, 1969, and the time for filing reply comments is extended to on or before August 18, 1969.

Adopted: June 27, 1969.

Released: June 30, 1969.

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

[F.R. Doc. 69-7928; Filed, July 3, 1969; 8:47 a.m.]

[1] Commissioners Wadsworth and Johnson absent.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[191.11]

STATEMENT OR ORGANIZATION, FUNCTIONS, AND PROCEDURES

Miscellaneous Amendments

JUNE 27, 1969.

In order to reflect organizational changes in the Bureau of Customs since publication of the Statement of Organization, Functions, and Procedures published in the FEDERAL REGISTER of July 8, 1967 (32 F.R. 10106), the following amendments are made therein:

1. In Part I, section 2(c), the first sentence is amended by substituting "Customs Delegation Order No. 31, dated September 28, 1967, T.D. 67-231 (32 F.R. 13873)" for "Customs Delegation Order No. 27, dated November 25, 1966, T.D. 66-265 (31 F.R. 15098)".

2. In Part I, section 5(a), the last sentence is amended to read as follows: "The designations of the divisions are generally descriptive of the functions performed in each: Division of Financial Management; Division of Management Analysis; Division of Personnel Management; Division of Audits; Division of Data Processing; and Division of Facilities Management."

3. In Part I, section 5(d), the last sentence is amended by substituting the designation "Division of Carriers, Drawback, and Bonds" for "Division of Marine and Transportation Rulings".

4. Part III, section 3, is amended by substituing "Parts 17, 26, and 53 of the regulations (19 CFR Parts 17, 26, 53)" for "Parts 14, 17, and 26 of the regulations (19 CFR Parts 14, 17, 26)."

5. In Part IV, section 2, the listing of the Parts of the Customs Regulations is amended by adding after Part 32, Trade Fairs, the following:

53 Antidumping.

This notice shall be effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 69-7914; Filed, July 3, 1969; 8:46 a.m.]

Fiscal Service

[TUS Order 26, Revised]

OFFICE OF THE TREASURER

Signing of Official Papers

By virtue of the authority vested in the Treasurer of the United States by Treasury Department Order No. 182-1, and in accord with section 304 of the Revised Statutes, as amended, 31 U.S.C. 144, I hereby authorize the persons who occupy the positions identified below in the Office of the Treasurer of the United States to sign as Special Assistant Treasurer or under their official titles when required by the Treasurer of the United States, certificates of deposit, checks, letters, telegrams, and other official documents in connection with the business of the Treasurer's Office:

The Deputy Treasurer.
The Assistant Deputy Treasurer.
The Assistant to the Deputy Treasurer.
The Staff Assistant.
The Administrative Officer.
The Chief Document Analyst.
The Personnel Officer.
The Assistant Personnel Officer.
The Management Analysis Officer.
The Chief, Cash Division.
The Assistant Chief, Cash Division.
The Administrative Assistant, Cash Division.
The Chief, General Accounts Division.
The Assistant Chief, General Accounts Division.
The Chief, Electronic Data Processing Division.
The Assistant Chief, Electronic Data Processing Division.
The Chief, Check Accounting Division.
The Assistant Chief, Check Accounting Division.
The Chief, Securities Division.
The Assistant Chief, Securities Division.
The Chief, Check Claims Division.
The Assistant Chief, Check Claims Division.
The Technical Assistant Chief, Check Claims Division.
The Special Assistant, Check Claims Division.
The Chief, Claims Adjudication Branch, Check Claims Division.
The Assistant Chief, Claims Adjudication Branch, Check Claims Division.

This order supersedes all prior authorizations to employees of the Treasurer's Office to sign certificates of deposit, checks, letters, telegrams, and other official documents in connection with the business of the Treasurer's Office.

Dated: June 27, 1969.

[SEAL] DOROTHY ANDREWS ELSTON,
Treasurer of the United States.

[F.R. Doc. 69-7915; Filed, July 3, 1969; 8:46 a.m.]

Internal Revenue Service

[Order 97 (Rev. 5)]

ASSISTANT COMMISSIONERS ET AL.

Delegation of Authority Regarding Closing Agreements Concerning Internal Revenue Tax Liability

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121-1(a); Treasury Department Order No. 150-32; dated November 18, 1953; and Treasury Department Order No. 150-36, dated August 17, 1954:

1. The Assistant Commissioner (Compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability for alcohol, tobacco, and firearms taxes, other than the manufacturers excise tax on firearms arising from application of sections 4181 and 4182 of the Internal Revenue Code, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

2. The Assistant Commissioner (Technical) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability, other than for those taxes covered by delegation to the Assistant Commissioner (Compliance) in paragraph 1, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

3. The Assistant Commissioner (Compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

4. Regional Commissioners, Assistant Regional Commissioners (Appellate), Chiefs, and Associate Chiefs, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction and in cases in which a closing agreement has been recommended for approval by the office of a District Director (but excluding cases docketed before the Tax Court of the United States) to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

5. Regional Commissioners, Assistant Regional Commissioners (Appellate), Chiefs, and Associate Chiefs, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction docketed in the Tax Court of the United States to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) but only in respect to related specific items affecting other taxable periods.

6. The Director of International Operations is hereby authorized to enter into and approve written agreements with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods

ended prior to the date of agreement and related specific items affecting other taxable periods, as the competent authority in the administration of the operating provisions of the tax conventions of the United States. He is also authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) to provide for the mitigation of economic double taxation under section 3 of Revenue Procedure 64–54, C.B. 1964–2, 1008, and under Revenue Procedure 69–13, I.R.B. 1969–14, and to enter into and approve a written agreement providing for such mitigation and relief under Revenue Procedure 65–17, C.B. 1965–1, 833.

7. District Directors of Internal Revenue are hereby authorized in cases under their jurisdiction to enter into and approve a written agreement with any person to provide that the internal revenue tax liability of such person (or of the person or estate for whom he acts) with respect to the taxability of earnings from a deposit or account of the type described in Revenue Procedure 64–24, C.B. 1964–1 (Part 1), 693, opened prior to November 15, 1962, will be determined on the basis that earnings on such deposits or accounts are not includible in gross income until maturity or termination, whichever occurs earlier, and that the full amount of earnings on the deposit or account will constitute gross income in the year the plan matures, is assigned, or is terminated, whichever occurs first.

8. The authority delegated herein does not include the authority to set aside any closing agreement.

9. Authority delegated in this order may not be redelegated.

10. Delegation Order No. 97 (Rev. 4), issued March 13, 1967, is hereby superseded.

Date of issue: June 25, 1969.

Effective date: June 25, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 69–7916; Filed, July 3, 1969; 8:46 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SECRETARIES OF THE MILITARY DEPARTMENTS ET AL.

Delegation of Authority To Issue Substitutes for Checks Drawn on the Treasurer of the United States

The Deputy Secretary of Defense approved the following:

REFERENCE: (a) Code of Federal Regulations, Title 31—Money and Finance: Treasury, Chapter II, Part 365, § 365.8, as amended 32 F.R. 1600, Feb. 1, 1969.

The authority delegated to the Secretary of Defense under reference (a) to provide by regulations for the issuance of substitutes for checks drawn for pay and allowances of civilian employees and active duty military personnel which are lost, stolen, or destroyed, is hereby delegated to the Secretaries of the Military Departments, Directors of the Defense Agencies, or their designees.

Regulations proposed by the Military Departments and Defense Agencies to carry out the purposes of this Directive shall be submitted to the Assistant Secretary of Defense (Comptroller) for review and approval prior to publication.

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

[F.R. Doc. 69–7897; Filed, July 3, 1969, 8:45 a.m.]

DEPARTMENT OF DEFENSE DENTAL ADVISORY COMMITTEE

Reestablishment

The Secretary of Defense approved the following:

In accordance with the general provisions of DoD Directive 5120.29, the Department of Defense Dental Advisory Committee is hereby reestablished under the Assistant Secretary of Defense (Manpower and Reserve Affairs).

The Committee shall advise and assist the Assistant Secretary of Defense (Manpower and Reserve Affairs) on such dental matters as he deems necessary. The Committee shall consist of a representative of the Assistant Secretary of Defense (Manpower and Reserve Affairs) who shall serve as Chairman, the Chief Dental Officer of each military department, and three registered dentists selected from civil life by the Assistant Secretary of Defense (Manpower and Reserve Affairs) based on professional qualifications and demonstrated ability in the field of dentistry.

The Committee shall meet at the call of the Chairman.

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

[F.R. Doc. 69–7898; Filed, July 3, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL ADMINISTRATOR, REGION I (NEW YORK)

Designation

The official appointed to the position of Deputy Regional Administrator, Region I (New York), is hereby designated to serve as Acting Regional Administrator, Region I (New York), during the present vacancy in the position of Regional Administrator, Region I, with all the power and authority of the Regional Administrator.

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

Effective date. This designation is effective as of July 2, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69–7929; Filed, July 3, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–46]

INTERNATIONAL CHEMICAL AND NUCLEAR CORP.

Notice of Proposed Issuance of Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission is considering the issuance of a license, set forth below, which would authorize International Chemical and Nuclear Corp., Tracerlab Technical Products Division, 1601 Trapelo Road, Waltham, Mass. 02154, to receive and possess packaged waste byproduct, source, and special nuclear material in any State of the United States except in Agreement States, as defined in § 30.4 (c), 10 CFR Part 30, to store the packages at its facility located at 1601 Trapelo Road, Waltham, Mass., and to dispose of the packaged waste byproduct, source, and special nuclear material by transfer to authorized land burial sites. Under the licensee, International Chemical and Nuclear Corp. would not possess at any one time more than 2,000 curies of byproduct material other than hydrogen-3, 1,000 curies of hydrogen-3, 500 pounds of source material, and 250 grams of special nuclear material.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by the issuance of this license may file a petition for leave to intervene. Any requests for a hearing by the applicant and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing by the applicant or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details with respect to this proceeding, see (1) the application for license and amendments thereto and (2) the related memorandum prepared by the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Materials Licensing.

Dated at Bethesda, Md., June 26, 1969.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[License No. 20-13235-02]

The Atomic Energy Commission having found that:

A. The applicant's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The applicant is qualified by training and experience to conduct the proposed operations in such a manner as to protect health and minimize danger to life or property.

C. The application dated March 11, 1969, as amended April 23, 1969, and May 12, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended; Title 10, Code of Federal Regulations, Chapter 1; and is for a purpose authorized by that Act.

D. The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

License No. 20-13235-02 is issued to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended; 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material"; 10 CFR Part 40, "Licensing of Source Material"; and 10 CFR Part 70, "Special Nuclear Material," a license is hereby issued to International Chemical and Nuclear Corp., Tracerlab Technical Products Division, 1601 Trapelo Road, Waltham, Mass. 02154, to receive and possess packaged waste byproduct, source, and special nuclear material in any State of the United States except in Agreement States as defined in § 30.4(c), 10 CFR Part 30, to store the packages at a facility located at 1601 Trapelo Road, Waltham, Mass., and to dispose of the packaged waste byproduct, source, and special nuclear material by transfer to authorized land burial sites.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," other applicable rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 2,000 curies of byproduct material other than hydrogen-3.

B. 1,000 curies of hydrogen-3.

C. 500 pounds of source material.

D. 250 grams of special nuclear material.

2. Except as specifically provided otherwise by this license, the licensee shall receive, possess, store, and dispose of byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application dated March 11, 1969, as amended April 23, 1969, and May 12, 1969.

3. Activities authorized in this license shall be conducted by, or under the supervision of, individuals designated by the licensee's Health Physics Committee.

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Department of Transportation and other agencies of the United States having jurisdiction.

When Department of Transportation regulations in Title 49, Chapter 1, Code of Federal Regulations, Parts 173-179, are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Department of Transportation in §§ 173.389-173.399, 173.402, 173.414, 173.427, 49 CFR Part 173, "Shippers," and §§ 177.823, 177.842, 177.843, 177.861, 49 CFR Part 177, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exemptions to those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

5. The licensee shall store waste byproduct, source, and special nuclear material only at its facility located at 1601 Trapelo Road, Waltham, Mass.

6. The licensee shall not open packages containing waste byproduct, source, and special nuclear material.

7. The licensee shall not possess any package containing waste byproduct, source, and special nuclear material for a period greater than 6 months from the date of receipt of the package.

This license shall be effective on the date issued and shall expire 1 year from the last day of the month in which this license is issued.

Date of issuance:

For the U.S. Atomic Energy Commission.

Director,
Division of Materials Licensing.

[F.R. Doc. 69-7907; Filed, July 3, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 17167; Order 69-6-180]

CARRIER AGREEMENT ON ACCESSORIAL CARGO SERVICE

Advance Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1969.

By Order E-24599, dated January 3, 1967, the Board authorized intercarrier discussions of accessorial cargo services. Numerous meetings were held and several carrier agreements were reached, filed with, and with one exception, approved by the Board.[1] The exception, Agreement CAB No. 19848, to which certain air freight forwarders objected, deals with the advancing of funds to shippers. By Order 68-10-105, dated October 18, 1968, the Board stated its tentative decision to disapprove the advance charges agreement, subject to the receipt of comments from interested persons. Subsequently, the air carriers requested and were granted a 60-day deferral in order to develop additional supporting data.

On March 14, 1969, the air carriers filed a supplementary supporting statement to their agreement, setting forth additional factual data showing the dollar volume of funds advanced, to whom advanced and for what services (forwarders, truckers, brokers fees, and customs duties), the percentage relationship of such payments to system freight revenues and number of shipments, and the estimated cost of advancing charges.

No additional protest or response has been received by the Board.

The agreement would continue the present practice of advancing funds without charge to truckers for prior or subsequent surface transportation, or for loading/unloading services performed by other than the air carriers, but would prohibit the advancing of any funds for customs duties or fees,[2] and the advancing of charges to shippers or consignees for any reason. The carriers' agreement would also subject to self-enforcement the industry agreement on advancing charges.[3]

The practice of advancing charges appears to consist of two forms. One concerns the payment of funds by the direct air carriers to their shipper customers or other persons, typically at point of origin and in advance of the performance of any actual air transportation. Such advances may represent charges for trucking, customs duties, brokers fees, and similar nonair services. In addition, airline advances to forwarders have also often represented the actual transportation charges accruing under the forwarder's own tariff, and which would normally be invoiced by the forwarder to the consignee at destination.

The second form of advance charges can be described as a point-of-destination collect-and-remit service, analogous to the existing c.o.d. (Collect-on-Delivery) service of the air carriers.[4] The data submitted by the carriers do not differentiate as between these advance charge practices at point-of-origin and at destination.

The carriers' agreement would prohibit both of the foregoing forms of advancing charges to shippers, i.e., in advance of transportation, as well as collect-and-remit service following delivery. The forwarders protest these prohibitions, as well as the fact that the direct air carriers will continue to advance charges to truckers, but will not reimburse forwarders for funds which the forwarder has advanced to a trucker.

The Board will approve the carriers' agreement, in part. Continuation of the advancement of charges to truckers is consistent with the intermodal partner-

[1] Agreement CAB 19850 concerning Assembly and Distribution services is also pending Board action.

[2] The data indicate that advances for custom duties can run into hundreds of dollars, even on minimum charge shipments.

[3] The Board has previously approved a series of cargo agreements embracing self-enforcement by the carriers (Order 69-1-54, dated Jan. 13, 1969).

[4] In c.o.d. service, an amount usually representing the invoice value of the goods is collected from the consignee at time of delivery. Credit on such amount is not extended by the air carrier. Following delivery and collection, the c.o.d. amount is remitted to the shipper. A nominal fee is assessed for this service which the carrier retains.

ship role of the two modes,[3] and is believed to foster the development of air transportation. In a similar vein, no person has opposed continuation of the advancement of charges for loading or unloading not performed by the carrier. It does not follow, however, that forwarders and shippers generally, who may have enhanced the origin value of the goods by a further investment of funds representing trucking charges, brokers fees, and customs duties, should be financed by the direct air carrier through the medium of advance reimbursement of charges at point-of-origin prior to air transportation. Such advances, as well as the advancement at point-of-origin of the forwarders' own tariff charges appear to represent an unwarranted drain on the working capital of the direct air carriers at a time when air cargo economics are marginal. The Board will therefore approve the agreement insofar as it would prohibit the advancing of any funds to shippers, including brokers fees and customs duties, at point-of-origin in advance of the performance of actual air transportation. No person has opposed the prohibition against advance charges for customs duties and brokers fees, and the Board sees no reason why an air carrier should be expected to advance these charges on behalf of the consignor.

The direct air carriers have not established, however, that there is any significant burden, financial or otherwise, which would warrant the elimination of the practice of advancing charges through the medium of collection at destination, subsequent to delivery, and remittance to the shipper. Moreover, such collection and remittance of funds would not impose the drain on the carriers' capital cited above. This service appears to be important to the forwarding industry, as forwarders cannot maintain offices at every point to which they may ship cargo. The Board will therefore disapprove the agreement insofar as it would preclude this service.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. Agreement CAB No. 19848 is approved, except to the extent that it would preclude the carriers, subsequent to the time of actual delivery at destination, from collecting funds on behalf of shippers and to remit such funds to shippers; such provisions of the agreement are disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7933; Filed, July 3, 1969; 8:48 a.m.]

[3] The Board understands that payment of a large portion of the point-of-origin advances to motor carriers is in fact not made at the time of transfer of the goods, but at a later date pursuant to interline agreements between the direct air and surface carriers.

[Docket No. 21117; Order 69-6-171]

AIR SOUTH, INC.

Establishment of Final and Temporary Service Mail Rates; Order To Show Cause

JUNE 30, 1969.

Air South, Inc. (Air South), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-6-56, June 12, 1969, the Board approved Agreement CAB 20849 between Eastern Air Lines, Inc. (Eastern), and Air South. This agreement contemplates that Air South will discharge Eastern's certificate obligation to serve Waycross, Ga., through the operation of small aircraft between Waycross and Atlanta, Ga.

No service mail rate is currently in effect for this service by Air South. By petition filed June 24, 1969, Air South requested the establishment of final service mail rates for the transportation of priority and nonpriority mail by air between Waycross and Atlanta, Ga. Air South requests that the multielement rates established in Orders E-25610 and E-17255, which provided for payments to Eastern, be made applicable to this route. On June 27, 1969, the Postmaster General filed an answer in support of Air South's petition.[1]

The rate in Order E-25610, August 28, 1967, for the air transportation of priority mail requested by Air South was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Air South at the level established in Order E-25610, as amended, and the terms and provisions of that order also shall be applicable to Air South in the same manner as they were applicable to Eastern in providing mail services betwen Waycross and Atlanta, Ga.

In the case of rates for the air transportation of nonpriority mail, an open-rate situation has existed since April 6, 1967, when the Post Office petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Eastern) for the transportation of nonpriority mail are those established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Air South receive the same compensation as Eastern for the same services, we propose to establish a temporary service rate for nonpriority mail for Air South at the level established in Order E-17255, as amended. We will also make Air South a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Air South, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Waycross and Atlanta, Ga. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after July 1, 1969, to Air South, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Waycross and Atlanta, Ga., shall be the rate established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid on and after July 1, 1969, to Air South, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Waycross and Atlanta, Ga., shall be the rate established by the Board in Order E-17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

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 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Air South, Inc., the Postmaster General, and Eastern Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Air South, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be

[1] The present rates are as follows:

Priority mail by air: 24 cents per ton-mile plus 9.36 cents per pound at Waycross and 2.34 cents per pound at Atlanta.

Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Waycross and 1.66 cents per pound at Atlanta.

[2] As this order to show cause does not constitute a final action and 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). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of 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 an 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 and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Air South, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Air South, Inc., the Postmaster General, and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7934; Filed, July 3, 1969; 8:48 a.m.]

[Docket No. 20246 etc.; Order 69-6-179]

CARIBBEAN-ATLANTIC AIRLINES, INC., AND TRANS CARIBBEAN AIRWAYS, INC.

Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1969.

Service Mail Rates for Caribbean-Atlantic Airlines, Inc., and Trans Caribbean Airways, Inc., dockets Nos. 20246, 20539; Domestic Service Mail Rate Case, 16349; Nonpriority Mail Rate Case, 18381; Latin American Service Mail Rate for Priority Mail, 20415; Military Ordinary Mail, 18078; Establishment of Service Mail Rates for That Class of Mail Created by Public Law 89-725, 17909.

By petition filed September 17, 1968, the Postmaster General has requested revised service mail rates for Caribbean-Atlantic Airlines, Inc. (Caribair), for the carriage of mail over its entire system. Additionally, Trans Caribbean Airways, Inc. (Trans Caribbean), filed a petition on December 9, 1968, for the establishment of mail rates in connection with the new services it was authorized to operate in the Caribbean pursuant to Order 68-11-120, served November 27, 1968.[1] The latter order also concerned the services performed in the San Juan-Virgin Islands markets by Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American);[2] and therefore it is appropriate to establish revised service mail rates for these carriers in order that uniform service mail rates may prevail in these markets.

I. *Caribair*—(a) *Priority mail.* In this petition requesting the establishment of revised service mail rates for Caribair, the Postmaster General states that this carrier is presently transporting priority mail at the rate of $1.38 per ton-mile, pursuant to Order E-10157, dated April 3, 1956.[3] The petition states that Caribair currently utilizes DC-9 aircraft and that, with respect to the carriage of mail in the San Juan-St. Thomas-St. Croix area, the carrier's operations can be compared with those of the local-service carriers. In this regard the Postmaster General states that, if the domestic service mail rate (Order E-25610, dated Aug. 28, 1967) were made applicable to Caribair, the following ton-mile yields per segment would result: San Juan-St. Croix, 73 cents; San Juan-St. Thomas, 91 cents; and St. Croix-St. Thomas, $1.26; which compare with the average yield for fiscal 1968 of 67.9 cents per ton-mile for local-service carriers. On this basis the petitioner states that "inclusion of Caribair within the ambit of Order E-25610, as amended, would insure fair and reasonable compensation to Caribair for the transportation of airmail and air parcel post in priority service."

(b) *Nonpriority mail.* The Postmaster General states that the nonpriority service performed by Caribair includes, in addition to first-class mail, so-called bulk mail, which mail is moved by rail and highway in the United States and was moved by sea in the Caribbean prior to the inauguration of this service by Caribair.[4] It is alleged that Caribair has been experiencing increasing difficulty in providing the capacity required for the volumes of nonpriority mail over its system, although it has 36 hours after tender within which to enplane such mail. Therefore, the Postmaster General has determined that it would best serve the public interest to reinstitute sea transportation for the bulk mail, but continue to tender to Caribair for nonpriority transportation those classes of mail now subject to the domestic nonpriority rate as set forth in Order E-17255 (34 C.A.B. 143 (1961)), as amended. Since the volume of nonpriority mail carried by Caribair would be significantly decreased by the elimination of the so-called bulk mail, the Postmaster General is of the opinion that the annual rate will no longer be appropriate and that inclusion of Caribair within the ambit of the domestic nonpriority rate will be fair and reasonable compensation for the transportation of nonpriority mail.[5]

II. *Trans Caribbean*—(a) *Priority mail.* With respect to its newly acquired authority to serve the Virgin Islands,[6] Trans Caribbean has requested that the domestic priority mail rates established by Order E-25610 be made applicable to the carriage of priority mail between San Juan, P.R., St. Thomas, V.I., and St. Croix, V.I. For the carriage of priority mail between all points on Trans Caribbean's system other than services involving San Juan and the Virgin Islands, the carrier has requested that the rate established by Order E-23753, dated May 31, 1966 (Latin American Service Mail Rate Proceeding) be made applicable, subject to adjustment upon final decision in Docket 20415.[7]

(b) *Nonpriority mail.* For the carriage of nonpriority mail between the mainland and San Juan and the Virgin Islands, and between San Juan, St. Thomas, and St. Croix, Trans Caribbean requests the rates established by Order E-17255, as amended, be made applicable to this service, subject to adjustment upon final decision in Docket 18381.[8]

(c) *Military ordinary mail.* For the carriage of military ordinary mail (MOM) over its entire system, Trans Caribbean has requested the rates established by Order 68-9-8, dated September 4, 1968. The carrier states that these rates have been found fair and reasonable for the carriage of mail by other carriers and would be fair and reasonable for the carriage of mail by Trans Caribbean.[9]

The Postmaster General filed an answer in support of the rates requested by Trans Caribbean.

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[1] United States-Caribbean-South America Route Investigation (United States-Caribbean Part). Certificates effective Jan. 25, 1969.

[2] Delta Air Lines is also a party to those proceedings, but the action proposed herein will not alter its present service mail rates. Delta serves San Juan, but has no service to the Virgin Islands.

[3] Caribbean-Atlantic Air., Mail Rates, 23 CAB 271 (1956).

[4] Caribair was initially paid an annual rate of $97,750 for this service, which was established by Order E-19329, dated Feb. 8, 1963 (37 C.A.B. 696). The present annual rate of $112,000 was established pursuant to Order E-21340, dated Sept. 30, 1964 (41 C.A.B. 681).

[5] According to the Postmaster General, such a charge would produce the following ton-mile yields: San Juan-St. Croix, 50 cents; San Juan-St. Thomas, 63 cents; and St. Croix-St. Thomas, 87 cents; compared with current yields of 57, 78, and 117 cents per ton-mile, respectively.

[6] By Order 68-11-120, Trans Caribbean's Route 137 was amended by extending the New York/Newark/Washington-San Juan route to Aruba and Curacao via St. Thomas and St. Croix. Also a new segment was added between the coterminal points New York-Newark and Washington, D.C., and the coterminal points Aruba and Curacao, via Port-au-Prince, Haiti.

[7] Latin American service mail rates for priority mail are presently under investigation in Docket 20415. Trans Caribbean is a party to that proceeding.

[8] Nonpriority mail rates are currently under investigation in Docket 18381. Trans Caribbean is also a party to this proceeding.

[9] Although Trans Caribbean feels application of the domestic rate structure for the carriage of airmail between San Juan, St. Croix, and St. Thomas would be adequate compensation for the service, it states that if the lower rate would adversely affect Caribair's participation in the market, the rate should be equalized to Caribair's system rate of $1.38 per ton-mile. This action is not necessary, as the rates proposed herein will enable all carriers to participate in the carriage of mail at competitive rates.

III. *Mail rates in effect and proposed for the San Juan and Virgin Islands Market*—(a) *Priority mail.* Pursuant to Order 68–11–120, *supra*, Eastern Air Lines was also certificated into the Virgin Islands.[10] In addition to mainland-San Juan service, Eastern will now be able to operate between the Virgin Islands.[11] The domestic priority mail rates established by Order E–25610 apply to Eastern for the carriage of this mail over its entire system, and will, of course, apply to the Virgin Islands service. On the other hand, the domestic priority mail rate structure does not apply to Pan American and Trans Caribbean on a system basis but applies in connection with these Caribbean points only between the mainland and San Juan, and between the mainland and the Virgin Islands. Thus, with respect to Eastern, the domestic rate structure applies for all of its services in the San Juan and Virgin Islands markets; whereas, for Pan American and Trans Caribbean, that rate only applies for services to and from the mainland, and the Latin American mail rate applies to Pan American's local Puerto Rico and Virgin Islands service. Caribair's system mail rate is applicable to its Puerto Rico and Virgin Islands service.

Since the domestic priority rate is presently in effect for all service except between Puerto Rico and the Virgin Islands and within Puerto Rico, we do not feel it would be realistic to treat these segments as separate ratemaking areas. It would be more appropriate to make the domestic rate structure applicable to this service and to extend such rate to all the carriers serving in the Puerto Rico-Virgin Islands markets. The additional services in these markets warrant the establishment of uniform rates so that each of the carriers now providing service to Puerto Rico and the Virgin Islands may share in the carriage of mail. In addition, the rates we propose to establish herein would provide reasonable compensation to the carriers for the service. As previously noted by the Postmaster General, application of the domestic rate to this service would result in yields above those experienced by the local-service carriers, whose operations are of a comparable short-haul nature. The yields would also exceed the current Latin American rate. Accordingly, the Board proposes to make the rates provided by Order E–26510 applicable to the carriage of priority mail between Puerto Rico and the Virgin Islands, between points in Puerto Rico, and between the Virgin Islands. We also propose to make the domestic rate applicable to Caribair's new mainland-San Juan service.

(b) *Nonpriority mail.* Pursuant to Order E–17255, as amended by Order E–26483, dated March 7, 1968, the domestic nonpriority rate applies between the mainland and San Juan, and between the mainland and the Virgin Islands. In view of the action taken with respect to extending the domestic priority rate to services in the Puerto Rico-Virgin Islands markets, we have also determined to extend the domestic nonpriority rate for the carriage of such mail in those markets and to make this rate applicable to Trans Caribbean and Caribair for the carriage of nonpriority mail in mainland-San Juan-Virgin Islands services. Substantially the same reasons that apply in connection with the establishment of the domestic priority rate in these markets apply equally to the domestic nonpriority rate. That rate is presently under investigation in Docket 18381, and the temporary nonpriority rates established herein will be subject to the final determination in that investigation. Eastern, Pan American, and Trans Caribbean are already parties to that proceeding, and we will make Caribair a party by this order.

IV. *Latin American mail rates.* As discussed above, Trans Caribbean has requested that the Latin American mail rate established by Order E–23753 be made applicable to the carriage of mail over the remainder of its system, i.e., except for those segments involving interstate or overseas air transportation. With regard to this service, the Postmaster General in the answer filed herein notes that an open-rate situation also exists for Latin American rates since the rates were opened on October 28, 1968, and requests that this rate be made applicable to Trans Caribbean on a temporary basis, subject to whatever adjustment is required by the final service mail rate to be established in Docket 20415. Accordingly, we will make the Latin American rate applicable to Trans Caribbean in connection with its service to foreign points on a temporary basis. Trans Caribbean is a party to the proceeding in Docket 20415 and is therefore subject to the final rates to be established therein.

In light of Caribair's new authority and the action taken with respect to Caribair's other mail rates, we will make that carrier a party to Docket 20415, and make the Latin American rate applicable to its priority mail services, other than in interstate or overseas air transportation, on a temporary basis. This rate presently applies to the other carriers providing services in the Caribbean and South America, which are parties to the proceedings in Docket 20415.[12]

V. *Military ordinary mail and space available mail.* To the extent that Trans Caribbean will transport military ordinary mail in Latin American Service, it is necessary that the rates established for this class of mail by Order 68–9–8, be made applicable to such service.[13] Finally, to the extent that Caribair may participate in the carriage of that class of mail referred to as SAM mail, the rates and conditions established by Order E–25654, dated September 8, 1967, as amended by Order E–26713, dated April 25, 1968, should be made applicable to Caribair.[14] We propose these amendments herein.

FINDINGS AND CONCLUSIONS

On the basis of the foregoing, the Board proposes to issue an order to include the following findings and conclusions:

1. There is presently in effect a final service mail rate for the transportation of priority mail by aircraft which was established by Order E–25610, as amended.

2. The fair and reasonable rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective September 17, 1968; Pan American Airways, Inc., effective October 28, 1968; and Trans Caribbean Airways, Inc., effective January 25, 1969, for the transportation of priority mail by aircraft between points in Puerto Rico on the one hand and points in the Virgin Islands on the other, between points in Puerto Rico, and between points in the Virgin Islands, the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order E–25610, as amended.

3. The fair and reasonable rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective January 25, 1969, for the transportation of priority mail between points within the 48 contiguous States and the District of Columbia on the one hand, and San Juan, P.R., on the other hand, the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order E–25610, as amended.

4. The findings and conclusions regarding the transportation of priority mail by aircraft and in particular as they apply to Caribbean-Atlantic Airlines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc., shall be implemented by the following amendments to Board orders:

Order E–25610, dated August 28, 1967, as amended, shall be further amended (A) by adding "Caribbean-Atlantic Airlines, Inc." to the list of carriers appearing at the top of page 2, and (B) by amending the text immediately following the list of carriers at the top of page 2 to read as follows:

For operations over their routes within the 48 contiguous States and the District of Columbia insofar as authorized under certificates for interstate air transportation; over their routes between points within the 48 contiguous States and the District of Columbia, on the one hand, and on the other, points in the State of Alaska; Hilo and Honolulu, Hawaii; Acapulco, Merida, Mexico City, and Monterrey, Mexico; San Juan, P.R.; points in the Virgin Islands; and terminal points in Canada; and between points in Puerto Rico on the one hand and

[10] A new segment was awarded to Eastern between the terminal point Miami, Fla., and the coterminal points St. Thomas and St. Croix.

[11] Eastern is prohibited from performing turnaround service between St. Thomas and St. Croix and cannot operate flights between San Juan and the Virgins.

[12] Braniff, Delta, Pan American, and Trans Caribbean are already parties to this proceeding.

[13] The MOM rate presently applies to Caribair.

[14] The SAM rate already applies to Trans Caribbean.

points in the Virgin Islands on the other; between points in Puerto Rico; and between points in the Virgin Islands, which are in effect on or subsequent to January 1, 1967 (*Provided, however*, That with respect to States-Alaska operations the effective dates shall be July 1, 1967, for Western Air Lines, Inc., and August 16, 1967, for Alaska Airlines, Inc., Northwest Airlines, Inc., and Pan American World Airways, Inc.: *And provided*, That with respect to operations between points in Puerto Rico and the Virgin Islands, between points in Puerto Rico, and between points in the Virgin Islands, the effective dates shall be September 17, 1968, for Caribbean-Atlantic Airlines, Inc., October 28, 1968, for Pan American World Airways, Inc., and January 25, 1969, for Trans Caribbean Airways, Inc.), shall be computed by obtaining the sum of (1) the linehaul charges, and (2) the terminal charges, computed as follows:

5. There is presently in effect a temporary service mail rate for the transportation of nonpriority mail which was established by Order E–17255, as amended.

6. The fair and reasonable temporary rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective September 17, 1968; Eastern Air Lines, Inc., effective January 25, 1968; Pan American World Airways, Inc., effective October 28, 1968; and Trans Caribbean Airways, Inc., effective January 25, 1968; for the transportation of nonpriority mail between points in Puerto Rico on the one hand and St. Croix and St. Thomas on the other, between points in Puerto Rico, and between St. Croix and St. Thomas, the facilities used and useful therefor, and the services connected therewith, is the mail rate established by Order E–17255, as amended, subject to such retroactive adjustment as may be made in Docket 18381.

7. The fair and reasonable temporary rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., and Trans Caribbean Airways, Inc., effective January 25, 1968, for the transportation of nonpriority mail between points within the 48 contiguous States and the District of Columbia, on the one hand, and San Juan, St. Thomas, and St. Croix, on the other hand, the facilities used and useful therefor, and the services connected therewith, is the mail rate established by Order E–17255, as amended, subject to such retroactive adjustment as may be made in Docket 18381.

8. The findings and conclusions regarding the temporary nonpriority mail rate and in particular as it applies to Caribbean-Atlantic Airlines, Inc., Eastern Air Lines, Inc., Pan American Airways, Inc., and Trans Caribbean Airways, Inc., shall be implemented by the following amendments to Board orders:

(A) Paragraph B of Order E–17255, dated July 31, 1961, as amended, shall be further amended to read as follows:

B. The rates fixed and determined herein shall be applicable only to the transportation by air of nonpriority mail, i.e., such first-class mail, other than airmail and air parcel post, which may be tendered from time to time by the Post Office Department and carried on a voluntary, space available basis, between any points within the 48 contiguous States and between any point within them and Agana, Anchorage, Cordova, Fairbanks, Hilo, Honolulu, Juneau, Ketchikan, Kodiak, Pago Pago, San Juan, St. Croix, St. Thomas, Wake Island, Yakutat, and points in Canada and points in Mexico for which mail rates were established in the Domestic Service Mail Rate Investigation (Order E–25610, Aug. 28, 1967, as amended), and between Honolulu, Hawaii, on the one hand, and Agana, Guam, Pago Pago, and Wake Island, on the other, and between points in Puerto Rico on the one hand and St. Croix and St. Thomas on the other, between points in Puerto Rico, and between St. Croix and St. Thomas.

(B) Paragraph C of Order E–17255, dated July 31, 1961, as amended, is further amended to include Caribbean-Atlantic Airlines, Inc., and Trans Caribbean Airways, Inc., in the list of carriers there appearing.

9. There presently is in effect a temporary service mail rate for the transportation of mail by aircraft for Latin American services which was established by Order E–23753.

10. The fair and reasonable temporary rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective September 17, 1968, and Trans Caribbean Airways, Inc., effective January 25, 1969, for the transportation of mail in Latin American services, the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order E–23753, subject to such retroactive adjustment as may be made in Docket 20415.

11. The findings and conclusions regarding the transportation of mail by Caribbean-Atlantic Airlines, Inc., and Trans Caribbean Airways, Inc., in Latin American services shall be implemented by the following amendments to Board orders:

(A) Paragraph 2(b) of Order E–23753, dated May 31, 1966, shall be amended to read as follows:

(b) For the period on and after March 1, 1966, a rate of 42.09 cents per ton-mile for the Latin American services of Braniff International Airways, Inc., Caribbean-Atlantic Airlines, Inc., Delta Air Lines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc., except for service between the 48 contiguous States and the District of Columbia, on the one hand, and San Juan, P.R., the Virgin Islands, and Acapulco, Merida, Mexico City, and Monterrey, Mexico, on the other hand; and between points in Puerto Rico on the one hand and St. Croix and St. Thomas, V.I., on the other, between points in Puerto Rico, and between St. Croix and St. Thomas, V.I. This rate shall be applied in accordance with the terms and conditions set forth below.

12. There is presently in effect a final service mail rate for military ordinary mail (MOM) as established by Order 68–9–8.

13. The fair and reasonable rate to be paid Trans Caribbean Airways, Inc., effective January 25, 1969, for the transportation of military ordinary mail (MOM) in Latin American service, the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order 68–9–8.

14. The findings and conclusions regarding the military ordinary mail (MOM) rate as it applies to Trans Caribbean Airways, Inc., shall be implemented by the following amendments to Board orders:

Order 68–9–8, dated September 4, 1968, shall be amended by adding "Trans Caribbean Airways, Inc." to the names of the carriers appearing on page 2, after "Eastern Air Lines, Inc.," at line 9, and in footnote 7 after "Pan American".

15. There is presently in effect a final service mail rate for the transportation of space available mail (SAM) as established by Order E–25654, as amended.

16. The fair and reasonable rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., effective September 17, 1968, for the transportation of space available mail (SAM), the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order E–25654, as amended.

17. The findings and conclusions regarding the space available mail (SAM) rate as is applied to Caribbean-Atlantic Airlines, Inc., shall be implemented by the following amendments to Board orders:

The list of carriers appearing in paragraph 2(B) of Order E–25654, dated September 8, 1967, shall be amended to include after "Braniff Airways, Inc.," the name "Carribbean-Atlantic Airlines, Inc."

18. The final and temporary service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons and particularly Caribbean-Atlantic Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and if notice is filed, written answer and supporting documents shall be filed within 30 days after date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and if 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 and temporary rates specified herein.

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. Notwithstanding the fixing and determining of the temporary rate for nonpriority mail as set forth above, this proceeding shall remain open as to such rate pending the entry of an order fixing the final rate in Docket 18381.

6. Notwithstanding the fixing and determining of the temporary rate for Latin American Services as set forth above, this proceeding shall remain open as to such rate pending the entry of an order fixing the final rate in Docket 20415.

7. Caribbean-Atlantic Airlines, Inc., is hereby made a party in Docket 18381 and Docket 20415.

8. This order shall be served upon Braniff Airways, Inc., Caribbean-Atlantic Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Panama World Airways, Inc., Trans Caribbean Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7935; Filed, July 3, 1969; 8:48 a.m.]

[Docket No. 20894; Order 69-6-177]

COLUMBUS-NEW YORK

Order Providing for Further Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1969.

On April 8, 1969, American Airlines, Inc. (American), filed an application, pursuant to Subpart N of Part 302 of the Board's procedural regulations, requesting amendment of its certificate of public convenience and necessity for Route 4 so as to delete condition (18), thereby removing the long-haul restriction on its Columbus-New York authority.

Trans World Airlines, Inc. (TWA), and Airlift International, Inc., have filed motions requesting the Board to dismiss American's application.

Upon consideration of the foregoing, we do not find that American's application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart N. Accordingly, we order further proceedings pursuant to the provisions of Subpart N, §§ 302.1406–302.1410, with respect to American's application:

Accordingly, it is ordered:

1. That the application of American Airlines, Inc., Docket 20894, be and it hereby is set for further proceedings pursuant to Rules 1406–1410 of the Board's procedural regulations;

2. That the motions of Trans World Airlines, Inc. (TWA), and Airlift International, Inc., to dismiss American's application be and they hereby are denied; and

3. That this order shall be served upon all parties served by American Airlines in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7936; Filed, July 3, 1969; 8:48 a.m.]

[Docket 21100]

PACIFIC WESTERN AIRLINES, LTD.

Notice of Postponement of Prehearing Conference

Pursuant to applicant's request, the prehearing conference scheduled for July 8, 1969, is hereby postponed and will be convened on July 15, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., July 2, 1969.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[F.R. Doc. 69-7982; Filed, July 3, 1969; 8:48 a.m.]

FARM CREDIT ADMINISTRATION

CERTAIN DEPUTY GOVERNORS

Notice of Basic Compensation

As provided in section 5(d) of the Farm Credit Act of 1953, as amended (sec. 302(a), 75 Stat. 793; 12 U.S.C. 636d (d)), the Federal Farm Credit Board has fixed the per annum salary of the Deputy Governors of the Farm Credit Administration who are also Service Directors, effective July 13, 1969, as follows:

Director of Cooperative Bank Service, $33,495;
Director of Production Credit Service, $33,495;
Director of Land Bank Service, $33,495.

Notice of this is published pursuant to the provisions of 5 U.S.C. 5364.

E. A. JAENKE,
Governor,
Farm Credit Administration.

[F.R. Doc. 69-7906; Filed, July 3, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., AND LYKES BROS. STEAMSHIP CO., INC.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. D. J. Morris, Manager, Rates and Conferences, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9800 between American President Lines, Ltd., and Lykes Bros. Steamship Co., Inc., establishes a through billing arrangement from ports of call of American President Lines in Indonesia to U.S. gulf ports of call of Lykes Bros. with transshipment at Singapore, Penang, or Port Swettenham in accordance with the terms and conditions set forth in the agreement.

Dated: July 1, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7922; Filed, July 3, 1969; 8:47 a.m.]

[Docket No. 69-10]

ATLANTIC LINES, LTD.

General Increases in Rates in the U.S. Atlantic/Virgin Islands Trade

By notice served June 5, 1969, the Commission granted a motion to postpone hearings and vacate the suspension in this proceeding, conditioned upon the agreements and stipulations by the parties to this proceeding set forth in the notice. The order vacating the suspension was held in abeyance pending the filing by the respondent of tariff pages canceling certain increased rates on basic foodstuff items.

Pursuant to Special Permission No. 5047, dated June 13, 1969, Atlantic Lines, Ltd., has canceled the increased rates on the basic foodstuff items in accordance with the agreement among the parties.

Therefore, it is ordered, That the first supplemental order in this proceeding be, and it is hereby modified to the extent necessary to vacate and set aside the suspension of remaining increased rates. The original order as amended shall otherwise remain in effect pending the outcome of the investigation instituted thereby:

It is further ordered, That a copy of this order shall be filed with the respondent's tariff in the Bureau of Domestic Regulation; be served upon all parties of

record in this proceeding; and published in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69-7923; Filed, July 3, 1969; 8:47 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. D. J. Morris, Manager, Rates and Conferences, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9799 between Lykes Bros. Steamship Co., Inc., and American President Lines, Ltd., establishes a through billing arrangement from ports of call of Lykes Bros. in Indonesia to U.S. Pacific and Atlantic Coast ports of call of American President Lines with transshipment at Singapore, Penang, and Port Swettenham in accordance with the terms and conditions set forth in the Agreement.

Dated: July 1, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-7924; Filed, July 3, 1969; 8:47 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. D. J. Morris, Manager, Rates and Conferences, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9801 between Lykes Bros. Steamship Co., Inc., and American President Lines, Ltd., establishes a through billing arrangement from ports of call of Lykes Bros. in Korea, Japan, Hong Kong, Ryukyu Islands, Taiwan, and the Philippines Islands to U.S. Atlantic Coast ports of call of American President Lines with transshipment at Hong Kong, Japan, or Manila in accordance with terms and conditions set forth in the agreement.

Dated: July 1, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-7925; Filed, July 3, 1969; 8:47 a.m.]

STATES MARINE LINES, INC., ET AL.

Notice of Agreement Filed for Approval

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

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

States Marine Lines, Inc., Global Bulk Transport Incorporated and Isthmian Lines, Inc., notice of agreement filed for approval by:

Mrs. Amy Scupi, Galland, Kharasch, Calkins & Lippman, 1824 R Street NW., Washington, D.C. 20009.

Agreement No. 9803, between States Marine, Global Bulk and Isthmian, will upon approval cancel and supersede Agreements Nos. 7628, as amended, 9327, and 9641, as amended. It provides (1) that the parties may coordinate their services in the trades between U.S. ports and worldwide ports; (2) that in any trades in which one of the parties is a member of, or will be admitted to membership in, a conference, the other parties, if operating vessels in the trade and eligible for membership, shall join such conference; (3) that if more than one party is a party to a conference agreement, such parties shall act as a single member of such conference: *Provided, however,* That if such conference opens rates on a commodity or commodities, each of the parties may publish individual, separate and different rates on any or all such open-rated commodities, or agree upon rates on such commodities, and (4) in those conferences in which the parties act as a single conference member, they may appoint a common agent to represent them in the transaction of conference business.

Provision is also made that in any trade in which two or more parties operate services, but none are members of a conference, or the conference to which they belong does not agree upon and establish rates and charges for a commodity or commodities, or a class of cargo, the parties may agree upon and establish rates and charges and rules and regulations for the carriage of cargo, publish tariffs, agree upon amounts of brokerage and/or compensation to forwarders and conditions of payment. The parties may carry out the functions authorized herein by telephone, at meetings or through an appointed common agent with authority to bind each party.

In any trade in which two or more of the parties operate vessels, they are authorized to offer a joint service for the carriage of military cargo to the U.S. Government agency negotiating such rates, and agree upon the rates to be submitted in bids to such agency. If more than one of the parties submits bids under one invitation, such bids shall be joint and offer a joint service.

Dated: July 1, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-7926; Filed, July 3, 1969; 8:47 a.m.]

PACIFIC WESTBOUND CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the

Commission pursuant to the Commission's decision in Docket 65–31, Investigation of Overland/OCP Rates and Absorptions (served Feb. 24, 1969).

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

Pacific Westbound Conference, Trans-Pacific Freight Conference of Japan, Trans-Pacific Freight Conference (Hong Kong), Australia, New Zealand, and South Sea Islands/Pacific Coast Conference, Pacific/Straits Conference, Pacific/Indonesian Conference, Pacific Coast-Australasian Tariff Bureau.

Notice of agreements filed for approval by:

Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, Calif. 94104.

The member lines of the above-listed Conferences have filed modifications to their basic agreements, 57–90, 150–41, 14–29, 7580–9, 5680–13, 6060–15, and 50–18. These modifications would clearly authorize these Conferences to establish Overland Common Point Territory (OCP) rates separate and distinct from "local" rates; and would permit the Conferences to enter into agreements with domestic connecting carriers with respect to the interchange of cargo between them. These modifications have been filed pursuant to the Commission's decision arising out of the proceedings in Docket 65–31, Investigation of Overland/OCP Rates and Absorptions (served Feb. 24, 1969) wherein the Commission directed respondents to "update their basic agreements to reflect the full structure of its ratemaking and the absorptions practiced pursuant thereto."

Dated: July 2, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7996; Filed, July 3, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI69-835, etc.]

BETA DEVELOPMENT CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 26, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 6, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-835	Beta Development Co., Mid-Continent Bldg., Fort Worth, Tex. 76102.	1	12	El Paso Natural Gas Co. (San Juan Field, San Juan County, N. Mex.) (San Juan Basin Area).	$140,000	6-2-69	[2] 7-3-69	12-3-69	[3] [4] 14.0	[3] [4] 15.0	(5).
RI69-836	Koch Development Corp., Post Office Box 2256, Wichita, Kans. 67201.	3	4	El Paso Natural Gas Co. (acreage in San Juan County, N. Mex.) (San Juan Basin Area).	597	5-29-69	[7] 6-29-69	11-29-69	13.0	[4] 14.0	
RI69-837	Atlantic Richfield (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	509	4	El Paso Natural Gas Co. (Boundary Butte Field, San Juan County, N. Mex.) (Aneth Area).	30,153	6-2-69	[2] 7-3-69	12-3-69	[4] 17.7	[3] [4] 21.0	
RI69-838	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	138	4	South Texas Natural Gas Gathering Co. (Shepherd Field, Hidalgo County, Tex.) (RR. District No. 4).	70	5-29-69	[7] 7-1-69	12-1-69	17.0	[3] [10] 18.0	RI66-71.
RI69-839	Texaco Inc., Post Office Box 430, Bellaire, Tex. 77401.	57	6	Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Hagist Ranch Field, Duval County, Tex.) (RR. District No. 4).	1,750	6-2-69	[7] 7-21-69	12-21-69	[10] 15.6	[8] [11] [12] 16.6	RI66-333.
RI69-840	Mayfair Minerals, Inc., Post Office Box 940, McAllen, Tex. 78501.	2	10	Texas Eastern Transmission Corp., (Hidalgo County, Tex.) (RR. District No. 4).	10,450	6-6-69	[7] 7-7-69	12-7-69	15.6	[3] [10] 16.6	RI64-252.

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1 cent per Mcf minimum guarantee for liquids.
[6] Rate effective subject to refund in Docket No. RI64-70 for acreage added by Supplement No. 19 and Docket No. RI64-304 for all other acreage covered by rate schedule.
[7] The stated effective date is the effective date requested by Respondent.
[8] Periodic increase from rate inclusive of 1 cent per Mcf minimum guarantee for liquids to rate exclusive of 1 cent per Mcf minimum guarantee for liquids.
[9] Subject to proportional reduction if B.t.u. content is below 950, and to a reduction for treating sour gas.
[10] Pressure base is 14.65 p.s.i.a.
[11] Unilateral increase.
[12] Subject to a downward B.t.u. adjustment.

Atlantic Richfield Co. (Operator) et al. (Atlantic), requests waiver of the statutory notice to permit its proposed rate increase to become effective as of June 2, 1969. Beta Development Co. (Beta) requests an effective date of July 1, 1969, for its rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Atlantic and Beta's rate filings and such requests are denied.

Atlantic's proposed increased rate of 21 cents per Mcf is for a sale of gas to El Paso Natural Gas Co. from the Aneth Area of Utah where no formal guideline prices have been announced by the Commission for the Aneth Area. Consistent with prior Commission action on rate increases to 21 cents per Mcf in this area, we conclude that Atlantic's proposed rate should be suspended for 5 months from July 3, 1969, the expiration date of the statutory notice.

The basic contract related to the proposed rate increase filed by Koch Development Corp. (Koch) contains a 1 cent per Mcf minimum guarantee for liquids provision but this 1 cent has been excluded from the proposed rate. Koch is advised that a notice of change in rate will be required if it intends to collect the 1 cent minimum guarantee for liquids in the future. See the Commission's order issued December 7, 1967, in Docket No. RI64-491 et al., Union Texas Petroleum, a Division of Allied Chemical Corporation (Operator), et al.

Texaco, Inc. (Texaco), proposes a unilateral or "ex parte" rate increase to 16.6 cents from a present rate of 15.6 cents now being collected subject to refund in Docket No. RI66-333 for gas sold to Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), in Railroad District No. 4. The primary term of Texaco's contract with Tennessee expires on July 21, 1969, and Texaco is invoking its right to file unilaterally upon such expiration. Since Texaco's "ex parte" increase exceeds the 14.6 cents per Mcf increased rate ceiling for rate schedules involved in 2d amendment settlements, we conclude that it should be suspended for 5 months from July 21, 1969, the proposed effective date.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56), with the exception of the rate increase filed by Atlantic in the Aneth Area for which no formal rate ceiling has been announced by the Commission.

[F.R. Doc. 69-7834; Filed, July 3, 1969; 8:45 a.m.]

[Docket No. CS69-19 etc.]

WILLIAM V. CONOVER ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JUNE 25, 1969.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications 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 23, 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 rules 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 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.

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.	Date filed	Name of applicant
CS69-19..	10-25-68	William V. Conover, Suite 728, 3701 Kirby Bldg., Houston, Tex. 77006.
CS69-59..	6- 2-69	John W. Wood, Jr., 610 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-60..	6- 2-69	James U. Gentry, 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-61..	6- 2-69	Walter B. Holton, Post Office Box 618, Midland, Tex. 79701.
CS69-62..	6- 2-69	James W. Lacy, 2804 Marmon Dr., Midland, Tex. 79701.
CS69-63..	5-29-69	Valley Investment Corp., 2306 Mercantile Bank Bldg., Dallas, Tex. 75201.
CS69-64..	6-12-69	Arthur I. Ginsburg, 2010 East Lancaster St., Fort Worth, Tex. 76100.
CS69-65..	6-12-69	John M. Harris, Post Office Box 1185, Houston, Tex. 77001.
CS69-66..	6-12-69	Donald C. Campbell, 811 Central Bank Bldg., Denver, Colo. 80202.
CS69-67..	6-12-69	Walter K. Boyd, Jr., Post Office Box 3119, Midland, Tex. 79701.
CS69-68..	6-12-69	S. D. Steed, Post Office Box 964, Fort Worth, Tex. 76101.
CS69-69..	6-12-69	C. M. Kestler, 1505 West Storey St., Midland, Tex. 79701.
CS69-70..	6-12-69	M. D. Rogers, 610 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-71..	6-12-69	C. A. Semple, 1605 Gulf St., Midland, Tex. 79701.
CS69-72..	6-12-69	B. J. Fevehouse, 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-73..	6-12-69	Adobe Ltd. No. 1, 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-74..	6-12-69	Adobe Ltd. No. 2, 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-75..	6-12-69	Adobe Investment Corp., 601 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS69-76..	6-12-69	Dallas Cantwell, 6671 Southwest Freeway, Houston, Tex. 77027.
CS69-77..	6- 9-69	An-Son Corp., 810 Saratoga Bldg., New Orleans, La. 70112.
CS69-78..	6-16-69	T. D. Jenkins, Box 1183, Houston, Tex. 77001.
CS69-79..	6-16-69	Melbourne Corp., 1075 Houston Club Bldg., Houston, Tex. 77024.
CS69-80..	6-16-69	Robert F. Dwyer, 914 Executive Bldg., Portland, Oreg. 97204.
CS69-81..	6-16-69	Frank Kell Cahoon, Post Office Box 127, Midland, Tex. 79701.
CS69-82..	6-16-69	Samuel H. Moore, 10015 Sylvia, Northridge, Calif. 91324.
CS69-83..	6-16-69	Thomas A. Read, 2301 Portsmouth, Houston, Tex. 77006.
CS69-84..	6-16-69	Frederick Palmer Weber, 21 Pierrepont, Brooklyn, N.Y. 11201.
CS69-85..	6-16-69	D. J. Lawson, Post Office Box 5003, Dallas, Tex. 75222.
CS69-86..	6-16-69	Walter M. Ross, 12534 Old Oaks Dr., Houston, Tex. 77024.
CS69-87..	6-16-69	Dr. Harry E. Rollings, 100 East Park Ave., Savannah, Ga. 31401.
CS69-88..	6-16-69	Colonel C. M. Paul, 720 Park Ave., New York, N.Y. 10021.
CS69-89..	6-16-69	Fred Huber, 24 Day St., Apartment Z-31, Clifton, N.J. 07011.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[F.R. Doc. 69-7835; Filed, July 3, 1969; 8:45 a.m.]

[Docket No. RI69-834]

PRODUCING ROYALTIES, INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JUNE 26, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas

Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure 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 under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 6, 1969.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-834..	Producing Royalties, Inc., Post Office Box 1071, Lubbock, Tex. 79408.	1	5	El Paso Natural Gas Co. (Fulcher-Kutz (Pictured Cliffs) Field, San Juan County, N. Mex.) (San Juan Basin Area).	$13	6-2-69	[2] 7-3-69	[2] 7-4-69	13.0	[4] [5] 13.05085	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Tax reimbursement increase.
[5] Pressure base is 15.025 p.s.i.a.

Producing Royalties, Inc. (Royalties), requests a retroactive effective date of January 1, 1969, for its proposed tax reimbursement increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Royalties' rate filing and such request is denied.

Royalties has filed a proposed increase from 13 cents to 13.05085 cents per Mcf which reflects tax reimbursement. Since the proposed rate exceeds the area increased rate ceiling for the San Juan Basin Area as set forth in the Commission's statement of general policy No. 61-1, as amended, by the amount of the tax reimbursement only, we conclude that it should be suspended for 1 day from July 3, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-7836; Filed, July 3, 1969; 8:45 a.m.]

[Docket No. RI69-813 etc.]

ROSS PRODUCTION CO. ET AL.

Order Accepting Contract Agreement, Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 25, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-813..	Ross Production Co. (Operator) et al., Post Office Box 1185, Shreveport, La. 71102.	1	[2] 1	Texas Eastern Transmission Corp. (Huxley Field, Shelby County, Tex.) (R.R. District No. 6).	.....	6-2-69	[3] 7-3-69	(Accepted)	.....	.....	
		[4] 1	2		$2,160	6-2-69	[3] 7-3-69	[3] 7-4-69	[5] 13.0	[6] [7] 15.0	
RI69-814..	Calvert Exploration Co. (Operator) et al., 2300 Fourth National Bank Bldg., Tulsa, Okla. 74119. Attn: Mr. H. A. Nelson.	[8] 4	2	Transcontinental Gas Pipe Line Corp. (South Tilden Field, McMullen County, Tex.) (R.R. District No. 1).	633	5-21-69	[9] 6-26-69	[3] 6-27-69	14.189	[10] 15.0	

[2] Letter Agreement dated May 23, 1969, which provides for the proposed 15 cents per Mcf rate.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] Contract dated after Sept. 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1 and the proposed rate does not exceed the applicable area initial rate ceiling of 15 cents per Mcf.
[5] The suspension period is limited to 1 day.
[6] Renegotiated rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Subject to a downward B.t.u. adjustment.
[9] Contract executed after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and the proposed rate does not exceed the 15-cent area initial rate ceiling.
[10] The stated effective date is the effective date requested by Respondent.
[11] "Fractured" rate increase. Contractually entitled to 15.2025 cents (15-cent base plus 0.2025-cent tax reimbursement).

Ross Production Co. (Operator) et al. (Ross), requests that its proposed rate increase be permitted to become effective as of July 1, 1969. Good cause has not been shown for waving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Ross' rate filing and such request is denied.

The contracts related to the rate filings proposed by Ross and Calvert Exploration Co. (Operator) et al. (Calvert), were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61–1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Ross' and Calvert's proposed rate filings should be suspended for 1 day from July 3, 1969 (Ross), the expiration date of the statutory notice, and June 26, 1969 (Calvert), the proposed effective date.

Concurrently with the filing of its rate increase, Ross submitted a letter agreement dated May 23, 1969, designated as Supplement No. 1 to Ross' FPC Gas Rate Schedule No. 1, which provides the basis for Ross' proposed rate increase. We believe that it would be in the public interest to accept for filing Ross' proposed letter agreement to become effective as of July 3, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Ross' contract agreement dated May 23, 1969, designated as Supplement No. 1 to Ross' FPC Gas Rate Schedule No. 1, and for permitting such supplement to become effective on July 3, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Supplement No. 2 to Ross' FPC Gas Rate Schedule No. 1 and Supplement No. 2 to Calvert's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(a) Ross' contract agreement dated May 23, 1969, designated as Supplement No. 1 to Ross' FPC Gas Rate Schedule No. 1, is accepted for filing and permitted to become effective as of July 3, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary of the Commission concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 2 to Ross' FPC Gas Rate Schedule No. 1, and Supplement No. 2 to Calvert's FPC Gas Rate Schedule No. 4.

(C) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until the date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Ross and Calvert, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure 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 purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[1]

(D) Until otherwise ordered by the Commission, neither the supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension periods.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 6, 1969.

By the Commission.

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

[F.R. Doc. 69-7837; Filed, July 3, 1969; 8:45 a.m.]

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

Entry and Withdrawal From Warehouse for Consumption

JULY 1, 1969.

On September 18, 1968, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Columbia concerning exports of cotton textiles and cotton textile products from Colombia to the United States over a 3-year period beginning on July 1, 1968, and extending through June 30, 1971. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories; within the aggregate limit, group limits on Categories 1–4, 5–27, and 28–64; and within both of the aforesaid limits, specific limits on certain categories for the second agreement year beginning on July 1, 1969. The categories with specific limits are Categories 5/6, 9, 16, 19, 22, and 26, with a sublimit on duck fabric (part of Category 26).

The agreement also contains a provision covering overshipments of cotton textiles from Colombia which occurred during the period beginning on July 1, 1967, and which were exported to the United States through September 30, 1967. This provision provides that these overshipments are to be charged against the aggregate, applicable group, and specific limits during each of the 3 agreement years. Implementing this provision for the second agreement year results in the adjusted levels of restraint set forth in the letter.

Accordingly, there is published below a letter of June 30, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles in Categories 1 through 27, produced or manufactured in Colombia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning July 1, 1969, and extending through June 30, 1970, be limited to the designated adjusted levels. The letter does not establish controls on Categories 28–64, but notes that such controls may be established during the present agreement year, i.e., the 12-month period beginning July 1, 1969. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 30, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 18, 1968, between the Governments of the United States and Colombia, and in

accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning July 1, 1969, and extending through June 30, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 1 through 27 produced or manufactured in Colombia, in excess of the adjusted levels of restraint set forth below.

The combined adjusted level of restraint for Categories 1 through 4 shall be 3,289,255 pounds.

The overall adjusted level of restraint for Categories 5 through 27 shall be 17,200,874 square yards.

Within the overall adjusted level of restraint for Categories 5 through 27, the following adjusted specific levels of restraint shall apply:

Category	*Adjusted 12-month level of restraint*
5/6	1,890,000 square yards of which not more than 315,000 square yards shall be in Category 6.
9	3,298,460 square yards.
16	945,000 square yards.
19	1,050,000 square yards.
22	5,738,104 square yards.
26	3,399,465 square yards of which not more than 495,239 square yards shall be in duck fabric.[1]

[1] Only T.S.U.S.A. Nos.:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Government of Colombia, which have been exported to the United States from the Government of Colombia prior to July 1, 1969, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the 12-month period beginning July 1, 1968, and extending through June 30, 1969. In the event that the level of restraint for the 12-month period ending June 30, 1969, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 18, 1968, between the Governments of the United States and Colombia which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The bilateral agreement of September 18, 1968, also provides a group limit on Categories 28-64. Import controls on these categories at an overall level of 630,000 square yards equivalent may be established during the current agreement year. In such an event you will be advised in a further directive from me.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-7908; Filed, July 3, 1969; 8:46 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry and Withdrawal From Warehouse for Consumption

JULY 1, 1969.

On July 3, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Pakistan, concerning exports of cotton textiles from Pakistan to the United States over a 4-year period beginning on July 1, 1966. Under this agreement the Government of Pakistan has undertaken to limit its exports to the United States of all cotton textiles and cotton textile products to an aggregate limit of 75,245,625 square yards equivalent for the fourth agreement year beginning July 1, 1969. Among the provisions of the agreement are those applying specific export limitations to Categories 9, 15, 18/19, 22, parts of 26, part of 31, and 41/42.

Accordingly, there is published below a letter of June 30, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that for the 12-month period beginning July 1, 1969, and extending through June 30, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in the indicated categories, produced or manufactured in Pakistan and exported to the United States on or after July 1, 1969, be limited to the designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

JUNE 30, 1969.

DEAR MR. COMMISSIONER: Under the terms of Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of July 3, 1967, between the Governments of the United States and Pakistan, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective July 1, 1969, and for the 12-month period extending through June 30, 1970, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 15, 18/19, 22, parts of 26, part of 31, and 41/42, produced or manufactured in Pakistan, in excess of the following designated levels of restraint:

Category		*12-month level of restraint*
9	square yards	32,992,313
15	do	2,894,062
18/19 and parts of 26 (print cloth)[1]	do	11,576,250
22	do	3,935,925
Part of 26 (bark cloth)[2]	do	4,051,688
Part of 26 (duck)[3]	do	8,103,375
Part of 31 (Only T.S.U.S.A. No. 366.2740)	pieces	4,514,738
41/42	dozen	385,421

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 9, 15, 18/19, part of 26 (print cloth),[1] 22, part of 26 (bark cloth),[2] part of 26 (duck),[3] part of 31 (only T.S.U.S.A. No. 366.2740), and 41/42, produced or manufactured in Pakistan and exported to the United States prior to July 1, 1969, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1968, through June 30, 1969. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of July 3, 1967, between the Governments of the United States and Pakistan which provide in part that within the aggregate and applicable group limits of the agreement, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to

[1] In Category 26, only T.S.U.S.A. Nos.:

320...34	322...34	327...34
321...34	326...34	328...34

[2] Only T.S.U.S.A. Nos.:

320...88	328...88	324...92
321...88	329...88	325...92
322...88	330...88	326...92
323...88	331...88	327...92
324...88	320...92	328...92
325...88	321...92	329...92
326...88	322...92	330...92
327...88	323...92	331...92

[3] Only T.S.U.S.A. Nos.:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-7909; Filed, July 3, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 30, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, 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 July 1, 1969, through July 10, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7901; Filed, July 3, 1969; 8:45 a.m.]

[70-4765]

NATIONAL FUEL GAS CO. ET AL.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding by Holding Company and Long-Term Notes to Holding Company and Short-Term Notes to Banks by Subsidiary Companies

JUNE 30, 1969.

Notice is hereby given that National Fuel Gas Co. ("National"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and three of its gas utility subsidiary companies, Iroquois Gas Corp. ("Iroquois"), United Natural Gas Co. ("United"), and Pennsylvania Gas Co. ("Penn"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

National proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $20 million principal amount of ------ percent Sinking Fund Debentures, Series due July 1994. The interest rate of the debentures (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to National (which shall be not less than 99 percent nor more than 102 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an indenture dated as of August 15, 1968, between National and Manufacturers Hanover Trust Co. as trustee, as heretofore supplemented and as to be further supplemented by a second supplemental indenture, and will be issued only in registered form. The debentures will be redeemable at any time, provided, that none of the debentures may be redeemed prior to July 15, 1974, if such redemption is for the purpose or in anticipation of their refunding through the use, directly or indirectly, of funds borrowed by the company at an effective interest cost of less than the effective interest cost of the debentures.

National proposes to use the net proceeds from the sale of its debentures to acquire for cash $20 million principal amount of long-term notes from its three above-mentioned gas utility subsidiary companies. Concurrently, the subsidiary companies will prepay $4 million of their notes payable to National maturing December 31, 1970, as follows: Iroquois, $2,700,000; United, $700,000; and Penn, $600,000. National will use the proceeds of the subsidiaries' note prepayments to prepay $4 million of its notes payable to The Chase Manhattan Bank (N.A.), maturing December 31, 1970. On the date National receives the proceeds from the sale of its debentures, Iroquois, United, and Penn propose to issue and sell and National proposes to acquire unsecured long-term promissory notes in the total aggregate principal amount of $20 million. Such notes will be issued and sold to National in the respective principal amounts of $12,200,000 by Iroquois, $5,200,000 by United, and $2,600,000 by Penn. The notes will be issued in series with the first note in each series maturing on December 15, 1973, and with each succeeding note in the applicable series maturing on the following December 15. The final note of each series will be payable on July 15, 1994. The notes will bear interest at a rate per annum equal to the effective cost of money incurred by National on its proposed sale of debentures, rounded to the next one-tenth of 1 percent and such interest will be payable semiannually. Such notes will be prepayable at any time without premium. The net proceeds derived from the sale of these long-term notes, together with funds available from current operations, will be used by the subsidiary companies to make additions to utility plant and underground cushion gas storage inventories, to prepay notes to National aggregating $4 million, and to increase and replenish working capital. The total cost of the 1969 plant expansion programs of the three subsidiary companies is estimated at $18,669,000.

Iroquois, United, and Penn also propose to issue and sell from time to time to the banks named below short-term promissory notes in the respective aggregate amounts of $7 million for Iroquois, $5 million for United, and $3,200,000 for Penn. Each such note will be dated as of the date of issue, will mature not later than 9 months thereafter, will bear interest at the prime commercial rate in effect on the issue date, and will be prepayable at any time, in whole or in part, without penalty or premium. Such 9-month notes will aggregate about 5.3 percent of the principal amount and par value of Iroquois' other securities as of March 31, 1969, 10.8 percent in respect of United, and 12.3 percent in respect of Penn. The proceeds derived from the sale of such short-term note borrowings from banks will be used by Iroquois, United, and Penn to finance the cost of gas purchased and stored underground for current inventory purposes, and it is stated that such borrowings are expected to be repaid early in 1970 as gas is withdrawn from storage and sold. The maximum amount to be outstanding from each bank with respect to Iroquois is as follows:

Marine Midland Trust Co. of Western New York, Buffalo, N.Y.	$3,290,000
Manufacturers & Traders Trust Co., Buffalo, N.Y.	3,150,000
Liberty National Bank & Trust Co., Buffalo, N.Y.	560,000
Total	7,000,000

The maximum amount to be outstanding from each bank with respect to United is as follows:

Bradford National Bank, Bradford, Pa	$200,000
Du Bois Deposit National Bank, Du Bois, Pa	270,000
Elk County Bank & Trust Co., St. Marys, Pa	300,000
Emporium Trust Co., Emporium, Pa	170,000
Exchange Bank & Trust Co., Franklin, Pa	200,000
First National Bank of Mercer County, Greenville, Pa	200,000
First Seneca Bank & Trust Co., Oil City, Pa	750,000
McDowell National Bank, Sharon, Pa	450,000
Northwest Bank & Trust Co., Oil City, Pa	500,000
The Pennsylvania Bank & Trust Co., Titusville, Pa	500,000
Producers Bank & Trust Co., Bradford, Pa	70,000
Mellon National Bank & Trust Co., Pittsburgh, Pa	1,390,000
Total	5,000,000

The maximum amount to be outstanding from each bank with respect to Penn is as follows:

Warren National Bank, Warren, Pa	$550,000
The First National Bank of Erie, Pa	1,300,000
Marine National Bank, Erie, Pa	500,000
Marine Midland Chautauqua National Bank, Jamestown, N.Y.	500,000
The Pennsylvania Bank & Trust Co., Warren, Pa	350,000
Total	3,200,000

The estimated fees and expenses to be paid by National in connection with the proposed debentures are estimated to aggregate $51,000, including accounting fees of $3,500, $10,250 for legal services, and $7,500 for management consultants. The fees and expenses of independent counsel for the underwriters, which are to be paid by the successful bidder, are estimated at $12,000. The fees and expenses in connection with the proposed notes are estimated at $1,250 for National, $3,820 for Iroquois, $510 for United, and $510 for Penn.

The proposed issue and sale of long-term notes by Iroquois are subject to the jurisdiction of the Public Service Commission of New York, the State commission of the State in which Iroquois is organized and doing business; the proposed issue and sale of long-term notes by United and Penn are subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which both United and Penn are organized and doing business. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 11, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants 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. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-7902; Filed, July 3, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 19, Amdt. 1]

SOUTHERN PORTS FOREIGN FREIGHT COMMITTEE

Petition for Approval of Amendments to Agreement

JULY 1, 1969.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed June 16, 1969, by: L. E. Honath, Attorney-in-fact, Southern Ports Foreign Freight Committee, Room 343, Union Station, 516 West Jackson Boulevard, Chicago, Ill. 60606.

The amendments involve: Changes in the agreement consisting of Articles of Organization and Procedure so as to: (1) Establish an Executive Committee as the governing body, including power of review over the General Committee; (2) redesignate the Tariff Publishing Agent as a Tariff Publishing Officer; (3) list the current tariff publications; (4) name a new individual as chairman and attorney-in-fact for carrier parties; (5) revise the listing of carriers signatory to the agreement; (6) change the territorial applications to reflect abandonments of lines and amended concurrences; (7) substitute General Freight Traffic Committee—Eastern Railroads for abolished Central Territory Railroads—Freight Traffic Committee; (8) amend independent action provisions to cover action of the Executive Committee; and (9) make other incidental changes necessary to clarify or effectuate the foregoing changes.

The petition is docketed and may be inspected at the office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the petition. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 69-7918; Filed, July 3, 1969; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 1, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41684—*Livestock from and to points in southwestern and western trunkline territories.* Filed by Southwestern Freight Bureau, agent (No. B-51), for interested rail carriers. Rates on livestock, ordinary, in carloads, as described in the application, between points in southwestern territory; also between points in southwestern territory, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 197 to Southwestern Freight Bureau, agent, tariff ICC 3962.

FSA No. 41685—*Phosphatic fertilizer solution from and to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2592), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, between points in Wyoming, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief—Modified short-line distance formula and grouping.

By the Commission.

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

[F.R. Doc. 69-7919; Filed, July 3, 1969; 8:46 a.m.]

[Notice 861]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 1, 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 42487 (Sub-No. 723 TA), filed June 25, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concentrated sulfite spent liquor*, in bulk, in tank vehicles, from plantsites and facilities of Weyerhaeuser Co. located at Longview, Wash., to the plantsite of the Chevron-Asphalt Co. at Springdale, Pa., for 150 days. Supporting shipper: Weyerhaeuser Co., Tacoma, Wash. 98401. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 77424 (Sub-No. 37 TA), filed June 24, 1969. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Cleveland, Ohio 44104. Applicant's representative: J. G. Bamer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc or zinc alloy anodes, ingots, pigs, slabs, or spelter*, from Josephtown, Pa., to Union City, Ind., for 150 days. Supporting shipper: St. Joseph Lead Co., 250 Park Avenue, New York, N.Y. 10017 (Mr. Leonard Smith, Assistant Traffic Manager). Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 8544 (Sub-No. 24 TA), filed June 25, 1969. Applicant GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, Tex. 77011. Applicant's representative: Desmond Barry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, caps, covers, cartons, and related commodities*, from Waco, Tex., to points in Oklahoma, for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Owens-Illinois, Inc. (Mr. Noley B. Pauley, Manager), Glass Container Division, Post Office Box 1035, Toledo, Ohio 43601. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 121533 (Sub-No. 4 TA), filed June 17, 1969. Applicant: WESTERN HAULING, INC., Post Office Box 3001, Seattle, Wash. 98114. Applicant's representative: George Kargianis, 609-11 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over irregular routes, between Seattle, Wash., on the one hand, and, on the other, points in Washington; (1) *grain*, over irregular routes, from points in Washington east of the Cascade Range to Seattle, Tacoma, and Everett, Wash.; (2) *feed*, over irregular routes, from Seattle, and Tacoma, Wash., to Walla Walla, Spokane, Moses Lake, Yakima, Quincy, and Ephrata, Wash.; (3) *fertilizer*, over irregular routes, from Seattle and Tacoma, Wash., to Spokane, Moses Lake, and Quincy, Wash., and points within 5-mile radius of said cities; (4) *scrap metal*, over irregular routes, (a) from points in Grant, Okanogan, Chelan, Spokane, Pierce, Kipsap, Whatcom, Clark, and Snohomish Counties, Wash., to Seattle, Wash.; (b) from Seattle, Wash., to Spokane, Wash.; (5) *heavy machinery*, over irregular routes, between points in Washington; (6) *hay, straw, grain, and seed*, over irregular routes, between points in Washington; (7) *building materials*, except cement in bulk, in tank or bottom dump vehicles or similar specialized equipment, over irregular routes, between points in Washington; (8) *building hardware supplies*, over irregular routes, between points in Washington; (9) *fruits and vegetables*, over irregular routes, between points in Yakima and Kittitas Counties, Wash., on the one hand, and, on the other, points in King, Pierce, Yakima, Spokane, and Chelan Counties, Wash.; (10) *peat and/or peat moss*, in bags, bales, and cartons and/or boxes, over irregular routes, between points in Washington west of the Cascade Range; from points in Washington west of the Cascade Range to points in Washington east of the Cascade Range; (11) *box shook*, over irregular routes, (a) between points in Yakima County, Wash., on the one hand, and, on the other, points in Benton County, Wash.; (b) between Spokane, Wash., and points in Benton County, Wash., for 180 days. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 126853 (Sub-No. 2 TA), filed June 25, 1969. Applicant: ARNOLD PRINCL, doing business as PRINCL TRANSFER LINES, Mishicot, Wis. 54228. Applicant's representative: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road asphalts and residual fuel oils*, from Superior, Wis., to points in Minnesota on and north of U.S. 12, and all points in Upper Peninsula of Michigan, for 180 days. Supporting shipper: Murphy Oil Corp., Marketing Division, Post Office Box 2066, Superior, Wis. 54880 (William E. Zachau, Terminal Superintendent). 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 133106 (Sub-No. 1 TA), filed June 25, 1969. Applicant: NATIONAL CARRIERS, INC., 301 Central Avenue, Box 18071, Kansas City, Kans. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and articles distributed by meat packinghouses as described in sections A and C of Appendix I to the *Descriptions case*, 61 M.C.C. 209 and 766, from the plantsite, warehouses, and storage facilities used by National Beef Packing Co. at Kansas City, Kans., to points in Nevada, Utah, Colorado, Ohio, West Virginia, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, District of Columbia, Alabama, Georgia, and Florida; from the plantsite, warehouses, and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Washington, Oregon, Idaho, Nevada, Utah, Colorado, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Ohio, West Virginia, Virginia, Maryland, Delaware, District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, for 180 days. Supporting shipper: National Beef Packing Co., Inc., 300 Central Avenue, Kansas City, Kans. 66118. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 133631 (Sub-No. 1 TA), filed June 25, 1969. Applicant: AAA DELIVERY SYSTEMS, INC., Box 1148, Flint, Mich. 48501. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, commodities requiring special equipment, commodities of unusual value, household goods, and classes A and B explosives), from Flint, Mich., to points within 75 miles thereof, restricted to merchandise sold by retail catalog sale, for 180 days. Supporting shipper: J. C. Penney Co., Inc., 11800 West Burleigh Street, Milwaukee, Wis. 53213. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 133738 (Sub-No. 1 TA), filed June 25, 1969. Applicant: KEN STONE TRUCK LINES, INC., Post Office Box 261, Johnsonville, S.C. 29555. Applicant's representative: Louis E. Condon, 42 Broad Street, Charleston, S.C. 29401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Charleston, S.C., to points in North Carolina and Georgia, for 150 days. Supporting shipper: Planters Fertilizer, Division of Columbia Nitrogen Corp., Augusta, Ga. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

By the Commission.

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

[F.R. Doc. 69-7920; Filed, July 3, 1969; 8:47 a.m.]

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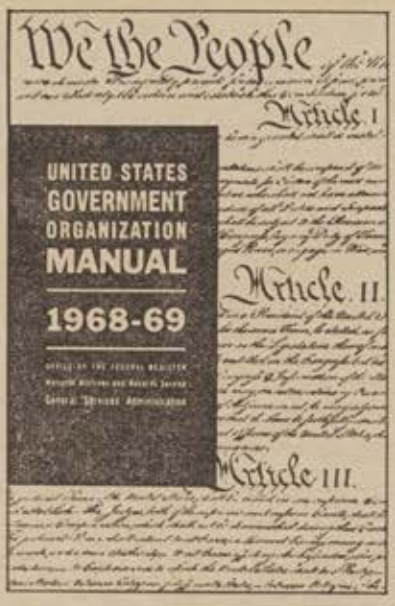

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