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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-WE-7-AD; Amdt. 39-799]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-3, DC-3A, DC-3C, and DC-3D Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive applicable to McDonnell Douglas Model DC-3, DC-3A, DC-3C, and DC-3D Series airplanes which would require periodic inspections and repair of the wing center section skin in the area between Stations 94.250 and 127.750, left and right sides, and from the lower front spar cap aft to the lower center spar was published in the FEDERAL REGISTER on May 24, 1969.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received which objected to the proposed inspection times on the basis they would cause a burden on fleet scheduling and flight programs and would create unnecessary cost and manpower support problems. No proposals were presented that could be considered to provide equivalent safety.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

McDONNELL DOUGLAS. (Applies to all DC-3, DC-3A, DC-3C, and DC-3D Series Aircraft.)

Compliance required as indicated.

To detect cracks or failures in the center section skin in the vicinity of Stations 94.250 and 127.750, left and right sides, in the wing stringers in the same area, in the angles forming the lower front spar cap, or in the spar cap connecting strap, accomplish the following:

(a) Within 250 hours time in service after the effective date of this AD, unless already accomplished within the last 250 hours time in service, and prior to further flight after each exposure to severe turbulence and after each hard landing, inspect the lower front spar cap and the lower center section skin and stringers back to the lower center spar cap in the vicinity of wing station 94.250 and wing station 127.750, left and right sides. After thoroughly cleaning the affected area, inspect all inaccessible portions of the lower front spar cap, the front spar web, the strap connecting the angles forming the lower front spar cap, and the lower wing skin and wing stringers in accordance with the X-ray inspection procedures instructions outlined in paragraph 2A of McDonnell Douglas DC-3 Service Bulletin No. 263, Revision No. 3, dated March 10, 1963, or later FAA approved revisions, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region. Inspect visually and by dye penetrant methods all accessible portions of the lower wing skin, the lower front spar cap and the spar web between Stations 94.250 and 127.750. Repair or replace any elements found cracked in the skin, the lower front spar cap, the spar cap connecting strap, the spar web or stringers prior to further flight, as follows:

(1) On wings which have not previously been reinforced or repaired at Station 127.750 per McDonnell Douglas Service Bulletin No. 229, or by an equivalent repair or reinforcement at Station 94.250, repair cracks in the lower wing skin in accordance with Figure 2, Sheets 1 through 6, of McDonnell Douglas DC-3 Service Bulletin No. 263, or later FAA approved revisions.

(2) On wings which have previously been reinforced or repaired at Station 127.750 per McDonnell Douglas Service Bulletin No. 229, or by an equivalent reinforcement or repair at Station 94.250, repair any crack which has progressed beyond the stop hole drilled per that Service Bulletin or equivalent reinforcement or repair or which has developed and grown to within the last three rows of rivets from the aft end of the doubler installed per that Service Bulletin or equivalent reinforcement or repair. Repair by removing the previously installed doubler and accomplishing the repair instructions described by Figure 2 of McDonnell Douglas Service Bulletin No. 263 or later FAA approved revision.

(3) Repair or replace cracked stringers in accordance with the McDonnell Douglas DC-3 Structural Repair Manual.

(4) Repair cracked spar caps and spar webs in accordance with the Douglas DC—3 Structural Repair Manual.

(5) Replace cracked spar cap connecting straps.

(6) Repair or replace cracked elements in another manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) At intervals not to exceed 900 hours time in service after the last inspection, reinspect per (a), above, all wings on which the wing skin at both stations 94.250 and 127.750 has not been repaired per (a)(1) or has not been reinforced either in accordance with McDonnell Douglas Service Bulletin No. 263 or a combination of Service Bulletin No. 263 and McDonnell Douglas Service Bulletin No. 229 or equivalent. Any crack detected in the wing skin and any new, unrepaired crack found in any element of the lower front spar cap, spar cap connecting strap, spar web or stringer must be repaired or replaced per (a), above, prior to further flight.

(c) Within the next 2000 hours time in service after the first inspection per (a), above, and at intervals thereafter not to exceed 2000 hours time in service, reinspect per (a), above, all wings on which the wing skin at both stations 94.250 and 127.750 was repaired per (a)(1), which has been otherwise reinforced in accordance with Service Bulletin No. 263 or later FAA approved revision, or which has been otherwise reinforced at Station 127.750 in accordance with McDonnell Douglas Service Bulletin No. 229 and reinforced at Station 94.250 in a manner equivalent to Service Bulletin No. 229 or in accordance with Service Bulletin No. 263 or later FAA approved revision. Any previously unrepaired cracks detected by these reinspections of spar caps, spar web, spar cap connecting strap or stringers must be repaired or the elements replaced per (a) (3), (4), (5), or (6), above, prior to further flight. Any new crack detected in the wing skin or any crack progression beyond a stop drill hole at a station repaired or reinforced per Service Bulletin 229 or equivalent must be repaired per Service Bulletin No. 263. Any new crack detected in the wing skin or any crack progression beyond a stop drill hole at a station repaired or reinforced per Service Bulletin No. 263, must be repaired prior to further flight in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) An airplane which has been subjected to severe turbulence or to a hard landing may be flown in accordance with FAR 21.197 to a base where X-ray inspection per (a) and repair if necessary, can be performed: *Provided*, That a close visual inspection per (a) shows no evidence of cracking or failure in the front spar elements or other areas that can be inspected visually. An airplane inspected in this manner or by X-ray per (a) and is found to have one or more failed elements, may be flown in accordance with FAR 21.197(a)(1) to a base where repair can be performed, subject to the concurrence of the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective August 21, 1969.

(Sec. 318(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request from the McDonnell Douglas Corp., 2750 West Lomita Boulevard, Torrance, Calif. 90505, Attention: Dept. C-5-770. These documents may also be examined at FAA Western Region, 5651 West Manchester Avenue, Los Angeles, Calif. 90045, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20553. A historical file on this airworthiness directive which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region.

Issued in Los Angeles, Calif., on July 14, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on July 22, 1969.

[F.R. Doc. 69-8598; Filed, July 22, 1969; 8:48 a.m.]

[Docket No. 9715; Amdt. 39-805]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D, and 810 Series Airplanes

There have been fatigue cracks detected on the outer wing spar lower booms of the Vickers Viscount Models 744, 745D, and 810 Series Airplanes. In view of the serious consequences of a spar boom failure and since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive (AD) is being issued to require replacement of the outer wing spar lower booms before they accumulate 100 percent of the retirement life specified in Viscount Overhaul Schedules dated prior to May 15, 1969.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS VISCOUNT. Applies to Viscount Models 744, 745D, and 810 Series Airplanes.

Compliance required as indicated unless already accomplished.

To prevent fatigue failure of the outer wing spar lower boom accomplish the following:

(a) For Model 744 Series Airplanes, replace the outer wing spar lower booms as follows:

(1) For spar booms that have accumulated less than 70 percent of the approved retirement life, as specified in the last amendment to the applicable Viscount Overhaul Manual, chapter 5, Overhaul Schedule section dated before May 15, 1969, replace the outer wing spar lower booms with new booms of the same part number before they accumulate 70 percent of that approved retirement life or before July 31, 1969, whichever occurs later.

(2) For spar boom that have accumulated 70 percent or more of the approved retirement life, as specified in the last amendment to the applicable Viscount Overhaul Manual, Chapter 5, Overhaul Schedule Section dated before May 15, 1969, replace the outer wing spar lower booms with new booms of the same part number before they accumulate 100 percent of that approved retirement life or before July 31, 1969 whichever occurs first.

(b) For Models 745D and 810 Series Airplanes, replace the outer wing spar lower booms as follows:

(1) For spar booms that have accumulated less than 90 percent of the approved retirement life, as specified in the last amendment to the applicable Viscount Instruction Manual 745D Series or Aircraft Manual 810 Series, Chapter 3, Overhaul Schedule Section dated before May 15, 1969, replace the outer wing spar lower booms with new booms of the same part number before they accumulate 90 percent of that approved retirement life or before October 31, 1969, whichever occurs later.

(2) For spar booms that have accumulated 90 percent or more of the approved retirement life, as specified in the last amendment to the applicable Viscount Instruction Manual 745D Series or Aircraft Manual 810 Series, Chapter 3, Overhaul Schedule Section dated before May 15, 1969, replace the outer wing spar lower booms with new booms of the same part number before they accumulate 100 percent of that approved retirement life or before October 31, 1969, whichever occurs first.

(c) All new outer wing spar booms that are installed in accordance with the requirements of paragraphs (a) and (b) of this AD must be replaced before the accumulation of the revised retirement life specified in the latest amendment to the applicable Viscount Overhaul Schedule, dated after May 15, 1969, or an FAA-approved equivalent.

(d) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings to be used in determining the retirement life of the outer wing spar lower booms may be determined by dividing each aircraft's hours' time in service by the operator's fleet average time from takeoff to landing for the aircraft type.

This amendment becomes effective July 27, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

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

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-8585; Filed, July 22, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-22]

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

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make an editorial correction in the description of VOR Federal airway No. 171 alternate segment that is designated between Louisville, Ky., and Lewis, Ind.

In an amendment to Part 71 of the Federal Aviation Regulations published in the FEDERAL REGISTER (34 F.R. 5928) a north alternate segment to V-171 was designated between Louisville and Lewis whereas an east alternate segment should have been designated. Corrective action is taken herein.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509, 5928) V-171 is amended by deleting "north alternate from Louisville to Lewis" and substituting "east alternate from Louisville to Lewis" therefor.

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

Issued in Washington, D.C., on July 15, 1969.

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

[F.R. Doc. 69-8579; Filed, July 22, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-21]

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

Alteration of Transition Area

On pages 7869 and 7870 of the FEDERAL REGISTER dated May 17, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Independence, Kans.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 18, 1969.

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

Issued in Kansas City, Mo., on July 9, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

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

INDEPENDENCE, KANS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Independence Municipal Airport (latitude 37°09'25" N., longitude 95°46'50" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 193° bearing from Independence Municipal Airport, extending from the airport to 18½ miles south of the airport, extending the portion which overlies the Bartlesville, Okla., transition area.

[F.R. Doc. 69-8580; Filed, July 22, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-22]

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

Alteration of Transition Area

On page 7870 of the FEDERAL REGISTER dated May 17, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Coffeyville, Kans.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 18, 1969.

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

Issued in Kansas City, Mo., on July 9, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

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

COFFEYVILLE, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Coffeyville Municipal Airport (latitude 37°05'45" N., longitude 95°34'25" W.); and within 3 miles each side of the 163° bearing from Coffeyville Municipal Airport, extending from the 7-mile radius area to 8 miles south of the airport and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° bearing from Coffeyville Municipal Airport extending from the airport to 18½ miles south of the airport; and the area northeast of Coffeyville bounded on the northeast by a line 5 miles southwest of and parallel to the Oswego, Kans., VOR 306° radial, on the south by V-516 and on the west by V-131.

[F.R. Doc. 69-8581; Filed, July 22, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-76]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Alexander City, Ala., transition area.

The Alexander City transition area is described in § 71.181 (34 F.R. 4637 and 1892). In the description, an extension predicated on the 171° bearing from the Alexander City RBN has a designated width of 2 miles each side of the bearing.

U.S. Standard for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with Government agencies concerned and affected idustry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace for the protection of these procedures was revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to alter the description by increasing the width of the transition area extension predicated on the 171° bearing from the Alexander City RBN from 2 miles each side to 3 miles each side of this bearing.

In view of the foregoing, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

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

In § 71.181 (34 F.R. 4637), the Alexander City, Ala., transition area (34 F.R. 1892) is amended as follows: "* * * within 2 miles each side of the 171° bearing * * *" is deleted and "* * * within 3 miles each side of the 171° bearing * * *" is substituted therefor.

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

Issued in East Point, Ga., on July 11, 1969.

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

[F.R. Doc. 69-8582; Filed, July 22, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-118]

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

Alteration of Transition Areas

On March 26, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5658) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Virginia Beach, Va., transition area east of the States of Virginia and North Carolina.

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

In accordance with our policy to consolidate transition areas wherever possible, action is taken herein to include the airspace encompassed by the Virginia Beach transition area in the North Carolina and Virginia transition area descriptions. Since this action is minor and editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

Section 71.181 (34 F.R. 4637, 5647, and 5648) is amended as follows:

1. In the North Carolina transition area, all after "to latitude 33°48'10" N., longitude 78°31'45" W.;" is deleted and "thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning; and that airspace extending upward from 2,000 feet MSL to FL-600 bounded on the east by long. 75°30'-00" W., on the south and west by a line 3 nautical miles from and parallel to the shoreline and on the north by lat. 36°33'30" N., excluding that airspace within R-5301 A and B, R-5306 A, B, and C, R-5311, R-5313, R-5302." is substituted therefor.

2. In the Virginia transition area, all after "Virginia and that airspace extending upward from" is deleted and "2,000 feet MSL to FL-600 bounded on the east by long. 75°30'00" W., on the south by lat. 36°33'30" N. and on the west and north by a line 3 nautical miles from and parallel to the shoreline, excluding that airspace within Control 1149, W-50, R-6602, and R-6606." is substituted therefor.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1510; E.O. 10854 (25 F.R. 95653); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 15, 1969.

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

[F.R. Doc. 69-8583; Filed, July 22, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-5]

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

Designation of Transition Area

On page 7616 of the FEDERAL REGISTER dated May 13, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Decorah, Iowa.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 18, 1969.

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

Issued in Kansas City, Mo., on July 9, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

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

DECORAH, IOWA

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Decorah Municipal Airport (latitude 43°16'35" N., longitude 91°44'50" W.); and within 3 miles each side of the 122° bearing from Decorah Municipal Airport, extending from the 5½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 122° and 302° bearings from Decorah Municipal Airport, extending from 18½ miles southeast to 6 miles northwest of the airport; and within 5 miles each side of the 302° bearing from Decorah Municipal Airport, extending from the airport to 12 miles northwest of the airport.

[F.R. Doc. 69-8584; Filed, July 22, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING AND CERTIFICATION)

Subpart A—Regulations

FEE AND LINTERS FACTOR

On May 15, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7705) regarding the amendment of § 61.45 of the Regulations For Cottonseed Sold or Offered For Sale For Crushing Purposes (7 CFR Part 61, Subpart A) and § 61.102(b) of the Standards For Grades of Cottonseed Sold or Offered For Sale For Crushing Purposes Within the United States (7 CFR Part 61, Subpart B).

Statement of considerations. The amendment of § 61.102(b) which would have revised the table of premiums and discounts for total linters content of cottonseed will not be made. The current price relationship between linters and cottonseed oil, meal, and hulls does not justify a revision in this table of premiums and discounts. The value of linters in relation to other products of cottonseed will remain at 1 percent.

The amendment of § 61.45 will increase the fee charged licensed cottonseed chemists for each certificate of the grade of cottonseed issued by them from 40 cents to 50 cents. This increase in fee is necessary to cover the cost of administering the cottonseed regulations. Therefore, pursuant to authority contained in section 205 of the Agricultural Marketing Act of 1946, as amended (60 Stat. 1090; 7 U.S.C. 1624) § 61.45 is revised to read as follows:

§ 61.45 Fee for certificates to be paid by licensee to service.

To cover in part the cost of administering the regulations in this part each licensed cottonseed chemist shall pay to the Service 50 cents for each certificate of the grade of cottonseed issued by him. Upon receipt of a statement from the Service each month showing the number of certificates issued by the licensee, such licensee will forward the appropriate remittance in the form of a check, draft, or money order payable to the "Consumer and Marketing Service, USDA."

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Effective date. This amendment is effective August 1, 1969.

Dated: July 17, 1969.

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

[F.R. Doc. 69-8609; Filed, July 22, 1969; 8:49 a.m.]

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for Inspection of Certain Agricultural and Vegetable Seeds for Quality

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the schedule of maximum fees in 7 CFR Part 68, § 68.42b, are hereby amended.

Statement of considerations. The Agricultural Marketing Act of 1946 provides for the collection of fees which are reasonable and cover the cost of the service rendered. A recent general salary increase of classified Civil Service employees averages approximately 10 percent for employees at the average level performing these services. The base rates are therefore increased by 10 percent. It should be noted that the schedule of fees given below shows the maximum fees for each test of each kind. If less time is required for such tests, a lesser fee will be charged, but at least a minimum fee will be charged for any service.

Section 68.42b is amended to read:

§ 68.42b Fees and charges for the inspection of agricultural and vegetable seeds.

(a) The fee for each germination, purity, and noxious-weed seed test shall be at the rate of $8.80 per hour, in increments of 15 minutes or any part thereof, but not less than $4.40 for any test and not more than the maximum fee as specified in the following table, except that no maximum is applicable to especially difficult tests such as 400-seed separations for kind or variety; mottled seed counts of sweetclover; or noxious-weed seed examinations of bluegrasses for annual bluegrass, wheatgrasses for quackgrass, and sudangrass for johnsongrass; or to tests of certain kinds or varieties of seeds as indicated in the table.

MAXIMUM FEES

Name of seed	Germination	Purity	Purity and germination	Noxious-weed seeds	Purity and noxious-weed	Germination, purity and noxious weeds
AGRICULTURAL SEEDS						
Alfalfa	$8.80	$6.60	$13.20	$8.80	$13.20	$19.80
Alfilaria			$8.80 per hour			
Alyceclover	8.80	11.00	17.60	8.80	17.60	24.20
Bahiagrass			$8.80 per hour			
Barley	8.80	8.80	15.40	8.80	15.40	22.00
Barrelclover	8.80	6.60	13.20	8.80	15.40	19.80
Bean:						
Adzuki	8.80	6.60	13.20	4.40	8.80	15.40
Field	11.00	4.40	13.20	4.40	6.60	15.40
Mung	8.80	6.60	13.20	4.40	8.80	15.40
Beet:						
Field	11.00	6.60	15.40	4.40	8.80	17.60
Sugar	11.00	6.60	15.40	4.40	8.80	17.60
Beggarweed	11.00	8.80	17.60	6.60	13.20	22.00
Bentgrass:						
Colonial	8.80	13.20	19.80	8.80	19.80	26.40
Creeping	8.80	13.20	19.80	8.80	19.80	26.40
Velvet	8.80	13.20	19.80	8.80	19.80	26.40
Bermudagrass:						
Common	11.00	17.60	26.40	8.80	24.20	33.00
Giant	11.00	17.60	26.40	8.80	24.20	33.00
Bluegrass:						
Bulbous	11.00	11.00	19.80	8.80	17.60	26.40
Canada	8.80	13.20	19.80	13.20	24.20	30.80
Glaucantha	8.80	13.20	19.80	13.20	24.20	30.80
Kentucky	8.80	13.20	19.80	13.20	24.20	30.80
Nevada	8.80	11.00	17.60	8.80	17.60	24.20
Rough	8.80	13.20	19.80	13.20	28.60	35.20
Texas	8.80	8.80	15.40	8.80	15.40	22.00
Wood	8.80	13.20	19.80	13.20	24.20	30.80
Bluestem:						
Big			$8.80 per hour			
Little			8.80 per hour			
Sand			8.80 per hour			
Yellow			8.80 per hour			
Brome:						
Field	8.80	11.00	17.60	8.80	17.60	24.20
Mountain	11.00	8.80	17.60	6.60	13.20	22.00
Smooth	8.80	11.00	17.60	8.80	17.60	24.20
Broomcorn	8.80	6.60	15.40	6.60	11.00	19.80
Buckwheat	8.80	6.60	15.40	6.60	11.00	19.80
Buffalograss			$8.80 per hour			
Buffelgrass			8.80 per hour			
Bur-clover:						
California	8.80	6.60	13.20	8.80	13.20	19.80
Spotted	8.80	6.60	13.20	8.80	13.20	19.80
Burnet, little	8.80	6.60	13.20	6.60	11.00	17.60
Buttonclover	8.80	6.60	13.20	8.80	13.20	19.80
Canarygrass	8.80	6.60	13.20	6.60	11.00	17.60
Canarygrass, reed	8.80	13.20	19.80	6.60	17.60	24.20
Carpetgrass	8.80	11.00	17.60	11.00	19.80	26.40
Castorbean	11.00	4.40	13.20	4.40	6.60	15.40
Chess, soft	8.80	11.00	17.60	8.80	17.60	24.20
Chickpea	11.00	4.40	13.20	4.40	6.60	15.40

Name of seed	Germination	Purity	Purity and germination	Noxious-weed seeds	Purity and noxious-weed	Germination, purity and noxious weeds
Clover:						
Alsike	$8.80	$8.80	$15.40	$6.60	$13.20	$19.80
Berseem	8.80	6.60	13.20	6.60	11.00	17.60
Cluster	8.80	8.80	15.40	8.80	15.40	22.00
Crimson	8.80	6.60	13.20	8.80	13.20	19.80
Hop, large	8.80	8.80	15.40	8.80	15.40	22.00
Hop, small	8.80	6.60	13.20	8.80	13.20	19.80
Kenya	8.80	6.60	13.20	6.60	11.00	17.60
Ladino	8.80	6.60	13.20	8.80	13.20	19.80
Lappa	8.80	6.60	13.20	6.60	11.00	17.60
Persian	8.80	8.80	15.40	6.60	13.20	19.80
Red	8.80	6.60	13.20	8.80	13.20	19.80
Rose	8.80	6.60	13.20	6.60	11.00	17.60
Strawberry	8.80	6.60	13.20	6.60	11.00	17.60
Sub	8.80	6.60	13.20	6.60	11.00	17.60
White	8.80	8.80	15.40	8.80	15.40	22.00
Corn:						
Field	8.80	6.60	13.20	4.40	8.80	15.40
Pop	8.80	6.60	13.20	4.40	8.80	15.40
Cotton	8.80	6.60	13.20	6.60	11.00	17.60
Cowpea	11.00	8.80	15.40	4.40	11.00	17.60
Crested dogtail	8.80	8.80	15.40	8.80	15.40	22.00
Crotalaria:						
Lanes	11.00	6.60	15.40	6.60	11.00	22.00
Showy	11.00	6.60	15.40	6.60	11.00	22.00
Slender leaf	11.00	6.60	15.40	6.60	11.00	22.00
Striped	11.00	6.60	15.40	6.60	11.00	22.00
Sunn	11.00	6.60	15.40	6.60	11.00	22.00
Crownvetch	8.80	6.60	15.40	6.60	11.00	19.80
Dallisgrass	11.00	17.60	28.40	8.80	24.20	33.00
Dichondra	8.80	8.80	15.40	8.80	15.40	22.00
Dropseed, sand	8.80	6.60	15.40	8.80	13.20	19.80
Emmer	8.80	6.60	13.20	6.60	11.00	17.60
Fescue:						
Chewings	8.80	11.00	17.60	8.80	17.60	24.20
Hair	8.80	11.00	17.60	8.80	17.60	24.20
Hard	8.80	11.00	17.60	8.80	17.60	24.20
Meadow	8.80	11.00	17.60	8.80	17.60	24.20
Red	8.80	11.00	17.60	8.80	17.60	24.20
Sheep	8.80	11.00	17.60	8.80	17.60	24.20
Tall	8.80	11.00	17.60	11.00	19.80	26.40
Flax	8.80	8.80	15.40	8.80	15.40	22.00
Grama:						
Blue			$8.80 per hour			
Side-oats			8.80 per hour			
Guar	8.80	6.60	13.20	6.60	11.00	17.60
Guineagrass	8.80	17.60	24.20	11.00	26.40	33.00
Hardinggrass	8.80	6.60	13.20	6.60	11.00	17.60
Hemp	8.80	4.40	11.00	4.40	6.60	13.20
Indiangrass, yellow			$8.80 per hour			
Indigo, hairy	8.80	6.60	13.20	6.60	11.00	17.60
Japanese lawngrass	8.80	17.60	24.20	6.60	22.00	28.60
Johnsongrass	11.00	8.80	17.60	8.80	17.60	24.20
Kudzu	8.80	6.60	13.20	6.60	11.00	17.60
Lentil	8.80	6.60	13.20	6.60	11.00	17.60
Lespedeza:						
Korean	8.80	13.20	19.80	13.20	24.20	30.80
Serices	8.80	8.80	15.40	11.00	17.60	24.20
Siberian	8.80	11.00	17.60	11.00	19.80	26.40
Striate	8.80	11.00	17.60	11.00	19.80	26.40
Lovegrass:						
Sand	8.80	8.80	15.40	8.80	15.40	24.20
Weeping	8.80	8.80	15.40	8.80	15.40	24.20
Lupine:						
Blue	11.00	6.60	15.40	4.40	8.80	17.60
White	11.00	6.60	15.40	4.40	8.80	17.60
Yellow	11.00	6.60	15.40	4.40	8.80	17.60
Muhlygrass	8.80	17.60	24.20	6.60	22.00	28.60
Meadow foxtail	8.80	11.00	17.60	6.60	15.40	22.00
Medick, black	8.80	6.60	13.20	8.80	13.20	19.80

Name of seed	Germination	Purity	Purity and germination	Noxious-weed seeds	Purity and noxious-weed	Germination, purity and noxious weeds
Millet:						
Browntop	$11.00	$8.80	$17.60	$8.80	$15.40	$24.20
Foxtail	8.80	6.60	13.20	6.60	11.00	17.60
Japanese	8.80	8.80	15.40	8.80	15.40	22.00
Pearl	8.80	6.60	13.20	6.60	11.00	17.60
Proso	8.80	6.60	13.20	6.60	11.00	17.60
Molassesgrass			$8.80 per hour			
Mustard:						
India	8.80	6.60	13.20	6.60	11.00	17.60
Black	8.80	6.60	13.20	6.60	11.00	17.60
White	8.80	6.60	13.20	6.60	11.00	17.60
Napiergrass	8.80	6.60	13.20	6.60	11.00	17.60
Oat	8.80	8.80	15.40	8.80	15.40	22.00
Oatgrass, tall	8.80	13.20	19.80	8.80	19.80	26.40
Orchardgrass	8.80	15.40	22.00	11.00	24.20	30.80
Panicgrass:						
Blue	8.80	8.80	15.40	8.80	15.40	22.00
Green	8.80	13.20	19.80	8.80	19.80	26.40
Peanut	11.00	6.60	15.40	4.40	8.80	17.60
Pea, field	11.00	4.40	13.20	4.40	6.60	15.40
Rape:						
Annual	8.80	6.60	15.40	8.80	15.40	22.00
Bird	8.80	6.60	15.40	8.80	15.40	22.00
Turnip	8.80	6.60	15.40	8.80	15.40	22.00
Winter	8.80	6.60	15.40	8.80	15.40	22.00
Redtop	8.80	11.00	17.60	8.80	17.60	24.20
Rescuegrass	11.00	8.80	17.60	6.60	15.40	22.00
Rhodesgrass			$8.80 per hour			
Rice	11.00	6.60	15.40	6.60	11.00	19.80
Ricegrass, Indian	11.00	6.60	15.40	6.60	11.00	19.80
Roughpea	8.80	6.60	15.40	6.60	11.00	19.80
Rye	8.80	11.00	17.60	11.00	19.80	26.40
Ryegrass:						
Annual	8.80	6.60	15.40	11.00	15.40	24.20
Perennial	8.80	6.60	15.40	11.00	15.40	24.20
Wimmera	8.80	6.60	15.40	11.00	15.40	24.20
Safflower	8.80	4.40	11.00	4.40	6.60	13.20
Sainfoin	8.80	6.60	15.40	6.60	11.00	19.80
Sesame	8.80	6.60	15.40	6.60	11.00	19.80
Sesbania	8.80	6.60	15.40	6.60	11.00	19.80
Smilo	8.80	6.60	15.40	6.60	11.00	19.80
Sorghum	8.80	6.60	13.20	6.60	11.00	17.60
Sorghum-sudangrass hybrid	8.80	6.60	13.20	6.60	11.00	17.60
Sorghum almum	8.80	8.80	15.40	8.80	15.40	22.00
Sorgrass	8.80	8.80	15.40	8.80	15.40	22.00
Sourclover	18.80	6.60	13.20	8.80	13.20	19.80
Soybean	1.00	4.40	13.20	4.40	6.60	15.40
Spelt	8.80	6.60	13.20	6.60	11.00	17.60
Sudangrass	8.80	8.80	15.40	8.80	15.40	22.00
Sunflower	8.80	4.40	11.00	4.40	6.60	13.20
Sweetclover:						
White	8.80	8.80	15.40	8.80	15.40	22.00
Yellow	8.80	8.80	15.40	8.80	15.40	22.00
Sweet vernalgrass	8.80	8.80	15.40	6.60	13.20	19.80
Switchgrass	8.80	8.80	15.40	6.60	13.20	19.80
Timothy	8.80	6.60	13.20	8.80	13.20	19.80
Tobacco			$8.80 per hour			
Trefoil:						
Big	8.80	8.80	15.40	8.80	15.40	22.00
Birdsfoot	8.80	8.80	15.40	8.80	15.40	22.00
Vaseygrass	8.80	13.20	19.80	8.80	19.80	26.40
Veldtgrass	8.80	13.20	19.80	8.80	19.80	26.40
Velvetbean	11.00	4.40	13.20	4.40	6.60	15.40
Velvetgrass	8.80	13.20	19.80	8.80	19.80	26.40
Vetch:						
Common	8.80	8.80	15.40	6.60	13.20	19.80
Hairy	8.80	8.80	15.40	6.60	13.20	19.80
Hungarian	8.80	8.80	15.40	6.60	13.20	19.80
Monantha	8.80	6.60	13.20	6.60	11.00	17.60
Narrowleaf	8.80	8.80	15.40	6.60	13.20	19.80
Purple	8.80	8.80	15.40	6.60	13.20	19.80
Woollypod	8.80	8.80	15.40	6.60	13.20	19.80

Name of seed	Germination	Purity	Purity and germination	Noxious-weed seeds	Purity and noxious-weed	Germination, purity and noxious weeds
Wheat:						
Common	$8.80	$6.60	$13.20	$6.60	$11.00	$17.60
Club	8.80	6.60	13.20	6.60	11.00	17.60
Durum	8.80	6.60	13.20	6.60	11.00	17.60
Polish	8.80	6.60	13.20	6.60	11.00	17.60
Poulard	8.80	6.60	13.20	6.60	11.00	17.60
Wheatgrass:						
Beardless	8.80	11.00	17.60	6.60	15.40	22.00
Crested, fairway	8.80	11.00	17.60	6.60	15.40	22.00
Crested, standard	8.80	11.00	17.60	6.60	15.40	22.00
Intermediate	8.80	11.00	17.60	6.60	15.40	22.00
Pubescent	8.80	11.00	17.60	6.60	15.40	22.00
Eggplant	8.80	6.60	15.40	6.60	11.00	19.80
Endive	8.80	8.80	15.40	8.80	15.40	22.00
Kale	8.80	6.60	13.20	6.60	11.00	17.60
Chinese	8.80	6.60	13.20	6.60	11.00	17.60
Siberian	8.80	6.60	13.20	6.60	11.00	17.60
Kohlrabi	8.80	6.60	13.20	6.60	11.00	17.60
Leek	8.80	6.60	13.20	8.80	13.20	19.80
Lettuce	8.80	6.60	13.20	6.60	11.00	17.60
Muskmelon	8.80	4.40	11.00	4.40	6.60	13.20
Mustard, India	8.80	6.60	13.20	6.60	11.00	17.60
Mustard, spinach	8.80	6.60	15.40	6.60	11.00	17.60
Okra	8.80	6.60	15.40	6.60	11.00	19.80
Onion	8.80	6.60	13.20	8.80	13.20	19.80
Onion, Welsh	8.80	6.60	13.20	8.80	13.20	19.80
Pak-choi	8.80	6.60	13.20	6.60	11.00	17.60
Parsley	8.80	8.80	15.40	8.80	15.40	22.00
Parsnip	8.80	8.80	15.40	8.80	15.40	22.00
Pea	11.00	4.40	13.20	4.40	6.60	15.40
Cabbage, Chinese	8.80	6.60	13.20	6.60	11.00	17.60
Cabbage, tronchuda	8.80	6.60	13.20	6.60	11.00	17.60
Canteloupe (see Muskmelon).						
Cardoon	8.80	8.80	15.40	6.60	13.20	19.80
Carrot	8.80	8.80	15.40	8.80	15.40	22.00
Cauliflower	8.80	6.60	13.20	6.60	11.00	17.60
Celeriac	8.80	8.80	13.20	6.60	15.40	17.60
Chard, Swiss	11.00	6.60	15.40	6.60	11.00	19.80
Chicory	8.80	8.80	15.40	8.80	15.40	22.00
Chives	8.80	6.60	13.20	8.80	13.20	19.80
Citron	8.80	4.40	11.00	4.40	6.60	13.20
Collards	8.80	6.60	13.20	6.60	11.00	17.60
Corn, sweet	11.00	4.40	13.20	4.40	6.60	15.40
Cornsalad	8.80	8.80	15.40	8.80	15.40	22.00
Cowpea	11.00	6.60	15.40	4.40	8.80	17.60
Cress:						
Garden	8.80	6.60	13.20	8.80	13.20	19.80
Upland	8.80	6.60	13.20	8.80	13.20	19.80
Water	8.80	8.80	15.40	8.80	15.40	22.00
Cucumber	8.80	4.40	11.00	4.40	6.60	13.20
Dandelion	8.80	8.80	15.40	8.80	15.40	22.00
Siberian	8.80	11.00	17.60	6.60	15.40	22.00
Slender	8.80	11.00	17.60	6.60	15.40	22.00
Tall	8.80	11.00	17.60	6.60	15.40	22.00
Western	11.00	11.00	19.80	6.60	15.40	24.20
Wild-rye,						
Canada	8.80	8.80	15.40	6.60	13.20	19.80
Russian	8.80	8.80	15.40	6.60	13.20	19.80
VEGETABLE SEEDS						
Artichoke	8.80	6.60	13.20	6.60	11.00	17.60
Asparagus	8.80	6.60	13.20	6.60	11.00	17.60
Asparagusbean	11.00	4.40	13.20	4.40	6.60	15.40
Bean,						
Garden	11.00	4.40	13.20	4.40	6.60	15.40
Lima	11.00	4.40	13.20	4.40	6.60	15.40
Runner	11.00	4.40	13.20	4.40	6.60	15.40
Beet	11.00	6.60	15.40	6.60	11.00	19.80
Broadbean	11.00	4.40	13.20	4.40	6.60	15.40
Broccoli	8.80	6.60	13.20	6.60	11.00	17.60
Brussels sprouts	8.80	6.60	13.20	6.60	11.00	17.60
Burdock, great	8.80	6.60	13.20	6.60	11.00	17.60
Cabbage	8.80	6.60	13.20	6.60	11.00	17.60
Pepper	8.80	6.60	15.40	6.60	11.00	19.80
Pumpkin	8.80	4.40	11.00	4.40	6.60	13.20
Radish	8.80	6.60	15.40	6.60	11.00	19.80
Rhubarb	11.00	4.40	13.20	4.40	6.60	15.40
Rutabaga	8.80	6.60	13.20	6.60	11.00	17.60
Salsify	8.80	6.60	15.40	6.60	11.00	19.80
Sorrel	8.80	6.60	15.40	6.60	11.00	19.80
Soybean	11.00	4.40	13.20	4.40	6.60	15.40
Spinach	8.80	6.60	13.20	4.40	8.80	15.40
Spinach, New Zealand	11.00	6.60	15.40	4.40	8.80	17.60
Squash	8.80	4.40	11.00	4.40	6.60	13.20
Tomato	8.80	6.60	15.40	6.60	11.00	19.80
Tomato, husk	8.80	6.60	15.40	6.60	11.00	19.80
Turnip	8.80	6.60	13.20	6.60	11.00	17.60
Watermelon	8.80	4.40	11.00	4.40	6.60	13.20

(b) Sampling, sealing, checkweighing, checkloading, inspection of condition of containers, and any similar services shall be at the rate of $8.80 per hour, with a 2-hour minimum commencing when the official sampler or inspector arrives at the inspection point on or after the appointed time and terminating when the sampler or inspector leaves the premises. This same rate applies regardless of the hour of the day or the location of the plant where the service is rendered.

The facts needed to establish these fees and charges for service are known by the Consumer and Marketing Service. It is therefore determined that public hearing and other rule making procedures are not necessary under the provisions of 5 U.S.C. 553.

These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of July 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-8556; Filed, July 22, 1969; 8:45 a.m.]

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

[Lemon Reg. 382]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling; Correction

In F.R. Doc. 69-8287 appearing in the FEDERAL REGISTER issue of Saturday, July 12, 1969 (34 F.R. 11548), the regulation's numerical designations appearing in the headings as, "[Lemon Reg. 282]," and as, "§ 910.582 Lemon Regulation 282," are corrected to read "[Lemon Reg. 382]" and "§ 910.682 Lemon Regulation 382."

Dated: July 17, 1969.

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

[F.R. Doc. 69-8617; Filed, July 22, 1969; 8:50 a.m.]

[Lime Reg. 27, Amdt. 4]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Lime Administrative Committee reflects its appraisal of current crop and market conditions. Less restrictive regulation requirements are necessary to enable the Florida lime industry to fill market demand. Insufficient volume of lines meeting the specifications of the current regulation are available, hence, it is essential

that the regulation herein prescribed be made effective at the time hereinafter specified.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of limes grown in Florida.

Order. In § 911.329 (Lime Reg. 27; 34 F.R. 6438, 7867, 9849, 11549) the introductory text of paragraph (a)(2) and subdivision (ii) thereof is amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) * * *

(2) During the period July 17, 1969, through April 30, 1970, no handler shall handle:

* * * * *

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least 85 percent U.S. No. 1 quality, except as to color: *Provided,* That not less than an aggregate area of three-fourths of the surface of each fruit shall meet the minimum color requirement for "mixed color": *And provided further,* That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet color requirements set forth in the U.S. Standards for Persian (Tahiti) Limes, shall apply; or

* * * * *

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

Dated, July 16, 1969, to become effective July 17, 1969.

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

[F.R. Doc. 69-8592; Filed, July 22, 1969; 8:47 a.m.]

[Pear Reg. 1, Amdt. 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, and upon other available information, it is hereby found that the limitation of shipments of pears, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Pear Commodity Committee reflects its appraisal of the 1969 California pear crop and an inability of handlers to economically market the crop due to hail damage. The amendment of the grade requirement currently in effect recognizes this problem and provides some relief. However, the grade requirement will continue to provide consumers with good quality pears.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this 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; compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof; and this amendment relieves restrictions on the handling of pears.

It is, therefore, ordered that the provisions of paragraph (a)(1) of § 917.418 (Pear Reg. 1, 34 F.R. 11259) are hereby amended to increase the tolerance for pears damaged but not seriously damaged by hail. As amended § 917.418(a)(1) reads as follows:

§ 917.418 Pear Regulation 1.

(a) *Order.* (1) During the period July 17, 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: *Provided,* That an additional tolerance of 5 percent, by count, shall be permitted for pears damaged but not seriously damaged by hail; and

* * * * *

The provisions of this amendment shall become effective July 17, 1969.

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

Dated: July 16, 1969.

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

[F.R. Doc. 69-8593; Filed, July 22, 1969; 8:47 a.m.]

[Lime Reg. 3, Amdt. 12]

PART 944—FRUIT; IMPORT REGULATIONS

Limes

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a)(2) of § 944.202 (Lime Reg. 3; 34 F.R. 6516, 7959, 11965) are hereby amended to read as follows:

§ 944.202 Lime Regulation 3.

(a) * * *

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least 85 percent U.S. No. 1 quality, except as to color: *Provided,* That an aggregate area of three fourths of the surface of each fruit shall meet the minimum color requirement for "mixed color": *And provided further,* That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet color requirements set forth in the U.S. Standards for Persian (Tahiti) Limes, shall apply;

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under amended Lime Regulation 27 (§ 911.329), which becomes effective July 17, 1969; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of limes.

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

Dated, July 16, 1969, to become effective July 17, 1969.

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

[F.R. Doc. 69-8591; Filed, July 22, 1969; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[12th Gen. Rev. of Export Regs., Amdt. 1]

PART 373—SPECIAL LICENSING PROCEDURES

PART 386—EXPORT CLEARANCE

Miscellaneous Amendments

Parts 373 and 386 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: July 22, 1969.

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

1. In § 373.2, paragraph (b)(1) is hereby amended to read as follows:

§ 373.2 **Project license.**

* * * * * *

(b) * * *

(1) Commodities listed in Supplement No. 1 to this Part 373.

* * * * *

2. A new licensing procedure, designated § 373.7 *Service Supply (SL) Procedure*, is established to read as follows:

§ 373.7 **Service Supply (SL) Procedure.**

A procedure is established to enable persons or firms in the United States or abroad to provide prompt service for equipment exported from the United States, produced abroad by a subsidiary, affiliate, or branch of a U.S. firm, or produced abroad by a manufacturer who uses parts imported from the United States in the manufactured product.

(a) *Definitions and interpretations.* Terms used in this § 373.7 (and in the related forms), are defined or interpreted in subparagraphs (1) through (8) of this paragraph:

(1) *Service and servicing.* The terms "service" and "servicing" refer to normal and usual activities to maintain equipment in proper, efficient, and safe operating condition or to restore equipment to this condition.

(2) *Service facility.* The term "service facility" refers to a person or firm that has as its function, or as one of its functions, the servicing of equipment.

(3) *Equipment.* The term "equipment" includes, but is not restricted to, instruments, machines, aircraft, vehicles, and apparatus.

(4) *U.S. equipment.* The term "U.S. equipment" refers to equipment (i) exported from the United States, or (ii) manufactured or produced abroad by a U.S. subsidiary.

(5) *U.S. subsidiary.* The term "U.S. subsidiary" means a foreign-based subsidiary, affiliate, or branch of a U.S. person or firm under the full and active control of such U.S. person or firm.

(6) *Effective control.* The term "effective control" means the exercise of a right, under a contractual agreement between the U.S. exporter and the consignee, to determine and control the reexport of parts exported from the United States.

(7) *Replacement parts.* The term "replacement parts" means parts needed for the immediate repair of equipment, including replacement of defective parts. (It does not include test instruments or operating supplies.) Commodities that improve or change the basic design characteristics (e.g., as to accuracy, capability, or productivity) of the equipment upon which they are installed are not deemed to be replacement parts within the meaning of the Service Supply (SL) procedure.

(8) *Spare parts.* The term "spare parts" refers to parts in the kinds and quantities normally and customarily kept on hand in the event they are needed to assure prompt repair of equipment. (It does not include test instruments and operating supplies.) Commodities that improve or change the basic design characteristics (e.g., as to accuracy, capability, or productivity) of the equipment upon which they are installed are not deemed to be spare parts within the meaning of the Service Supply (SL) procedure.

(b) *Commodities subject to the Service Supply (SL) Licensing Procedure.* Any commodity for which an export license is required may be exported or reexported under the provisions of this § 373.7; except:

(1) Parts to service commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 378.1 of this chapter;

(2) Parts to service arms, ammunition, or implements of war referred to in Supplement No. 2 to Part 370 of this chapter;

(3) Parts to service commodities subject to the Atomic Energy Act referred to in § 370.10(e) of this chapter;

(4) Parts to service commodities[1] listed in Supplement No. 1 to this Part 373; and

(5) Commodities listed in Supplement No. 1 to this Part 373.

(c) *Destinations*—(1) *Country Groups S and Z.* No export or reexport may be made directly or indirectly, under provisions of this § 373.7 to Country Group S or Z. Furthermore, no equipment owned or controlled by, or under lease or charter to Country Groups S or Z or any national thereof may be serviced under the provisions of this SL procedure.

(2) *Country Groups W and Y.* Exports and reexports to Country Groups W and Y may be made only in accordance with the provisions of paragraph (i) of this section. Except as provided in paragraph (i) of this section, no equipment owned or controlled by, or under lease or charter to, Country Groups W or Y or any national thereof may be serviced under the provisions of this SL procedure.

(d) *Types of service supply authorizations.* Three types of export or reexport authorizations are obtainable under the provisions of this § 373.7.

(1) *Exports from the United States.* A U.S. person or firm may obtain a license valid for 12 months to export spare and replacement parts to consignees in Country Groups T, V, or X for purposes of servicing U.S. equipment unless such consignees are listed in the U.S. Table of Denial and Probation Orders (see paragraph (e)(2)) of this section. Under certain conditions replacement parts (but not spare parts) may also be exported to Country Groups W and Y, subject to the provisions set forth in paragraph (i) of this section.

(i) *Qualification requirements.* To qualify for a Service Supply (SL) license authorizing exports from the United States, the applicant must meet all of the following requirements:

(*a*) The applicant must be either (*1*) the U.S. person or firm that manufactured or exported the equipment to be serviced abroad, or (*2*) the U.S. firm whose foreign subsidiary manufactured the equipment to be serviced.

(*b*) Supplying spare and replacement parts must be a normal function of the applicant's business; and

(*c*) The export shall be made for purposes of servicing U.S. equipment in the possession of the consignee.

(ii) *Applications.* The applicant shall submit the following documents, satisfactorily completed:

(*a*) Form FC–420, Application Processing Card;

(*b*) Form FC–419, Application for Export License;

(*c*) Form IA–543,[2] Service Supply (SL) License Statement by U.S. Exporter (see Supplement S–X for facsimile of form.); and

(*d*) Comprehensive narrative statement by the exporter.

An application for an SL license need not be supported by the Import Certificate or Consignee Statement otherwise required under § 375.1 or § 375.2 of this chapter. A Swiss Blue Import Certificate or a Yugoslav End-Use Certificate is required when applicable. (See paragraph (e) of this section.)

(iii) *Preparation of documents.* The document listed in subparagraph (2) of this paragraph shall be prepared as follows:

(*a*) *Form FC–420.* The applicant shall prepare Form FC–420, Application Processing Card, in accordance with the provisions of § 372.4(a)(5) of this chapter except as follows:

(*1*) "Service Supply License" shall be entered in the export control commodity number space;

(2) The processing number space shall not be completed; and

(3) The applicant shall enter the word "various" in the commodity description space on the Form FC–420.

(*b*) *Form FC–419.* The applicant shall prepare and submit Form FC–419, Application for Export License, in accordance with the provisions of § 372.4(a)(4) of this chapter with the following specific modifications:

(*1*) The words "Service Supply License" shall be entered in the space entitled, "Date of Application", in addition to entering the date in the same space.

(2) The word "various" shall be entered in the space for the ultimate consignee.

[1] Except that parts may be exported under the provisions of this § 373.3 to service commodities identified in Supplement No. 1 to this Part 373 under Export Control Commodity No. 73410.

[2] Form IA–543 may be obtained at all U.S. Department of Commerce Field Offices (see list of addresses on page 1 under Field Office addresses) and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

(3) A duplicate list of countries of ultimate destination shall be prepared in alphabetical order, and the words "See attached list" shall be inserted in the space for the ultimate destination.

(4) An estimated 1 year's supply of spare and replacement parts shall be entered on the application. All commodities identified by the Symbol "A" in the last column of the Commodity Control List (see § 399.1 of this chapter) shall be either listed separately on the application or on an attachment thereto, or, if feasible, described in related product groups. Examples of acceptable product groups are "Semiconductors, A type"; "aircraft engines, A type"; etc.

(5) All commodities not identified by the symbol "A" on the Commodity Control List having export control numbers with the same first two digits may be combined into a single entry. The commodity description for each such entry shall be in terms of broad descriptive categories corresponding with the commodity sections and subheadings that appear on the Commodity Control List (§ 399.1 of this chapter, pages 3 and 4).

(6) The estimated total value of each "A" commodity or "A" product group and of each group of non-"A" commodities to be exported during the 1 year validity period of the SL license shall be shown in the space provided for the total selling price, and a grand total shall be computed for all of the commodities.

(7) The following statement shall be entered at the bottom of the space provided for the commodity description on the application:

No commodity excluded from the SL procedure under the Export Control Regulations will be exported to any consignee in any destination under this SL license if this application is approved.

(8) The spaces entitled "Export Control Commodity No. and Processing No.," "Unit Price," and "Quantity to Be Shipped" shall be left blank.

(c) *Form IA-543.* Three copies of Form IA-543 shall be manually signed by the applicant or by a responsible official of the applicant who is authorized to bind the applicant to all of the terms, undertakings, and commitments set forth on the form.

(d) *Comprehensive narrative statement.* A comprehensive narrative statement shall be submitted by the applicant in support of his application for an SL license. This statement shall set forth the scope of the applicant's servicing activities pertinent to the application and shall include, for each entry listed on the application, the volume of exports for servicing made during the preceding year. If this volume has to be estimate, the basis upon which the estimate was compiled shall be explained.

NOTE: The preparation of an application for an SL license involves a substantial amount of work. Therefore, a prospective applicant may wish to consult the Office of Export Control to obtain a preliminary determination of the applicability of the SL procedure to his transaction and as to any special information that may be required.

(2) *Reexports authorization by foreign-based service facility.* A service facility located in Country Groups T, V, or X may be authorized to use and to reexport spare and replacement parts to consignees in any other destination in Country Groups T, V, or X to service U.S. equipment, unless such consignees are listed in the U.S. Table of Denial and Probation Orders (see paragraph (h)(3) of this section). If the service facility is approved, reexports are authorized in accordance therewith regardless of any restrictions imposed on reexports under the terms of the other licensing procedures. The service facility may also be authorized to service U.S. equipment in the country where the facility is located and return the serviced equipment to the country from which it was sent within Country Groups T, V, or X. If the foreign-based service facility is under the effective control of the U.S. exporter, it may also be authorized to reexport, upon specific instructions of the U.S. exporter, replacement parts for immediate repair in Country Groups W or Y of U.S. equipment subject to the provision of paragraph (i) of this section.

(i) *Qualification requirements.* To qualify to receive reexport authorization under the SL procedure, a foreign person or firm must have been designated as a service facility by the U.S. manufacturer or by the U.S. exporter of the U.S. equipment to be serviced, and servicing such equipment must be a normal function of the designated facility.

(ii) *Application.* The service facility shall submit to the Office of Export Control (Attention: 852) U.S. Department of Commerce, Washington, D.C. 20230, a letter requesting authorization to use and reexport spare and replacement parts under the SL procedure. This letter shall be accompanied by three completed copies of Form IA-544, Service Supply (SL) Statement by Service Facility or Manufacturer (see Supplement S-Y for facsimile of form) and by a comprehensive narrative statement by the operator of the service facility prepared in accordance with the following instructions:

(a) The statement shall identify the U.S. manufacturer(s) or U.S. exporter(s) that has (have) designated the facility to be its service facility and shall indicate the period for which the designation shall remain in effect.

(b) If the service facility is under the effective control of the U.S. person or firm, the statement shall so-indicate.

(c) The statement shall describe in detail the services performed by the service facility, as indicated on the Form IA-544.

(3) *Reexports by foreign manufacturer.* A manufacturer located in Country Group T, V, or X who incorporates parts exported from the United States into a product may be authorized to reexport to consignees in Country Groups T, V, or X such U.S.-origin parts as spare or replacement parts for servicing the manufactured products in the consignee's possession, unless such consignees are listed in the U.S. Table of Denial and Probation Orders (see paragraph (g)(3) of this section).

(i) *Qualification requirements.* To qualify to receive reexport authorization under the SL procedure, a foreign manufacturer must use parts exported from the United States in the manufactured equipment to be serviced, and the parts to be reexported for purposes of servicing such equipment must be of the same type as the components they are to replace.

(ii) *Applications.* The manufacturer shall submit a letter requesting permission to reexport under the SL procedure parts imported from the United States to replace such parts incorporated into a product manufactured by the applicant. This letter shall be supported by three completed copies of Form IA-544, Service Supply (SL) Statement by Service Facility or Manufacturer (see Supplement S-Y for facsimile of form) identifying the manufactured products containing parts exported from the United States and the countries to which these products are exported.

(e) *Exports and reexport to Switzerland or Yugoslavia.* For an export or reexport of spare parts to service equipment located in Switzerland or Yugoslavia, the U.S. exporter or his approved service facility, or the authorized foreign manufacturer, must obtain for each transaction a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate showing the United States as the country of origin of the parts to be shipped. Exporters shall forward these documents to the Office of Export Control in accordance with the provisions of paragraph (k) of this section. Approved Form IA-544 holders (i.e., foreign service facilities and manufacturers) shall forward, on a monthly basis the originals of these documents (or reproduced copies if the originals are required by the Government of the country in which the Form IA-544 holder is located) directly to the Office of Export Control (Attention 852), U.S. Department of Commerce, Washington, D.C. 20230. A letter of transmittal showing the SL license number of the approved Form IA-544 shall accompany the documents.

(f) *Action by Office of Export Control on license applications*—(1) *Approved license applications*—(i) *Issuance of license.* When an application for a SL license is approved, a Form FC-628, Export License, will be issued authorizing, subject to the provisions of the export regulations and to the terms and provisions of the license, the export of commodities covered during a validity period of 1 year. An approved copy of Form IA-543 will also be issued to the exporter. The SL license will be similar to a validated license described in § 372.9 of this chapter with the following exceptions:

(a) *Validation.* The license will be validated in the license number space with a stamp which includes a facsimile of the U.S. Department of Commerce seal, the letter "D" and a series of numbers to indicate the year, month, and day on

which the license was validated. An explanation of the coded dates shown on the license is set forth in § 372.9(b) of this chapter.

(b) *Service supply license number.* Immediately below the validation stamp, the SL license number assigned to the license will be indicated. This license number will be a four-digit number prefixed by the letter "S" and suffixed by a one-letter code indicating the Office of Export Control licensing division to which the license was assigned (that is: "C" for Capital Goods Division; "P" for Production Materials and Consumer Products Division; and "S" for Scientific and Electronic Equipment Division).

(c) *Special conditions.* Special conditions or restrictions may be imposed on the use of a SL license in addition to the general conditions or restrictions set forth in the Export Control Regulations. These conditions or restrictions will be set forth on the license document at the time of issuance, or a separate written notification of these conditions or restrictions will be given to the licensee.

(ii) *Notification to Customs Offices.* The Office of Export Control will notify all Customs Offices of the issuance of the SL license.

(2) *Applications returned without action.* When an SL license application is returned without action by the Office of Export Control, the application together with related documents will be returned to the applicant with Form FC–204–B, Advice on Application Returned Without Action. This form will state the reason(s) for return of the license application and will explain the corrections and additional information required if the application is to be resubmitted to the Office of Export Control for further consideration.

(3) *Applications not approved.* When an application for an SL license is not approved by the Office of Export Control, the applicant will be notified, and the notice will explain the reason(s) why the application was not approved. The applicant may apply for an individual or other appropriate type of validated license for transactions covered by the SL license application that was not approved.

(g) *Export clearance*—(1) *General.* Generally, the Office of Export Control will notify all Customs Offices of the approval of an SL license within 15 days after dispatch of the license to the licensee. Therefore, an exporter should not plan to clear an export at an earlier date unless he has verified that notification has reached the Customs Office at the intended port of exit.

(2) *Presentation of license or other approval action.* When clearing shipments for export under an SL license, the licensee shall, on demand, show to the Customs Officer or Postmaster either the original or a photocopy of the license or amendment. The license or amendment, however, is not required to be filed with the Customs Office or Post Office. When exporting by mail, the SL license number shall be entered on the address side of the wrapper on the package.

(3) *Limitation on amount shipped.* Exports under an SL license of any commodity or commodity group identified thereon by the symbol "A" are limited for each such entry, during the entire validity period of the license, to the amount shown on the license for that entry. However, exports of an entry not identified by the symbol "A" may exceed the amount shown for that particular entry provided the total amount of all such shipments does not exceed the grand total of the amounts authorized for all of the commodities not identified by the symbol "A" shown on the license.

(4) *Notice to ultimate consignee.* The following notice shall be entered on the commercial invoice covering each shipment under the SL license:

> These commodities are sent for authorized repair purposes only and may not be used for any other purpose.

(5) *Shipper's export declaration.* As set forth in the standard instructions for preparing Shipper's Export Declarations, the validated license number must be shown on the Declaration. In the case of an SL license, the license number is prefixed by the letter "S" (see paragraph (f)(1)(i) of this section).

> NOTE: Although the SL license describes the commodities in broad descriptive terms, commodity descriptions on the Declaration shall be specific. The description of a commodity shall (1) conform to the applicable Commodity Control List description, and (2) incorporate any additional information where required by Schedule B; for example, the type, size, or name of specific commodity.

(h) *Action by Office of Export Control on reexports*—(1) *Reexports by foreign-based service facility.* (i) If the Office of Export Control approves the request of a foreign-based service facility for authorization to reexport parts imported from the United States under the SL procedure, a validated copy of Form IA–544 will be sent to the service facility, via the U.S. Foreign Service. This shall be retained by the service facility as evidence of its authority to reexport spare or replacement parts imported from the United States. However, this authority shall in no way relieve the service facility from its responsibilities to comply with the laws, rules, and regulations of the countries from which the parts are to be reexported, or of any other country having authority over any phase of the transaction. If the service facility's Form IA–544 was submitted to the Office of Export Control through its U.S. parent firm, the validated copy will be sent through the U.S. parent firm, with an extra copy for retention by the U.S. parent firm. The copy of the validated Form IA–544 will bear a facility number on the bottom right corner of the form. When ordering spare or replacement parts from the United States, under the individual validated license procedure, the service facility shall cite this Form IA–544 Facility Number instead of submitting the documentation otherwise required in support of a license application (such as an import certificate or a consignee/purchaser statement). Normally, the Office of Export Control will accept this number instead of documents otherwise required.

(ii) Unless specifically restricted, an approved Form IA–544 authorizes the named service facility to:

(*a*) Service the types of equipment indicated on the Form IA–544 in the country where the facility is located and return the serviced equipment to the country from which it was sent within Country Groups T, V, or X.[3]

(*b*) Reexport parts imported from the United States to consignees in Country Groups T, V, or X for the purpose of servicing U.S.-origin equipment in the possession of the consignee. If the service facility is under the effective control of the U.S. exporter, it may, upon specific instructions of the exporter, reexport replacement (but not spare) parts to a consignee in Country Groups W or Y, subject to the special provisions set forth in paragraph (i) of this section.[4] The reexport authorizations described in this (*b*) normally will apply to commodities imported under the provisions of any type of U.S. export license. Except when specifically limited by the Office of Export Control, reexports under an approved Form IA–544 are authorized regardless of any restrictions imposed under the terms of any other licensing procedure.

(iii) In all cases, reasonable care and diligence must be exercised to prevent shipments of kinds and quantities of parts in excess of that not needed for the authorized service.

(2) *Reexports by foreign manufacturer.* If the Office of Export Control approves the request of a foreign manufacturer for authorization to reexport U.S. spare or replacement parts, a validated copy of Form IA–544 will be sent to the manufacturer, via the U.S. Foreign Service. This shall be retained by him as evidence of his authority to reexport the spare or replacement parts to the countries listed in the Form IA–544. However, this authority shall in no way relieve the manufacturer from its responsibilities to comply with the laws, rules, and regulations of the country from which the commodity is to be reexported, or of any other country having authority over any phase of the transaction. This reexport authorization normally will apply to commodities imported under the provisions of any type of U.S. export license. Except when specifically limited by the Office of Export Control, reexports under an approved Form IA–544 are authorized regardless of any restrictions imposed under the terms of other licensing procedures. In all cases, reasonable care and diligence must be exercised to prevent shipments of kinds and quantities of parts not needed for the authorized service.

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[3] If the service facility is under the effective control of the U.S. exporter, it may also return the serviced equipment to Country Groups W and Y.

[4] Further authorization from the Treasury Department is not required for reexports to Country Group W or Y authorized by the Office of Export Control under the SL procedure.

(3) *Table of denial and probation orders.* (i) A U.S. parent firm shall furnish its foreign-based service facility(ies) or foreign manufacturer(s) with current reprints of the "Table of Denial and Probation Orders Currently in Effect" when the validated Form IA–544 is forwarded. Thereafter, each addendum to the table shall also be furnished promptly to each foreign-based service facility or manufacturer.

(ii) If the foreign-based service facility or manufacturer is not a U.S. subsidiary, the current table will be sent with the validated Form IA–544 by the Office of Export Control. Thereafter, it will be the responsibility of the facility or manufacturer to obtain each addendum to the table, either by subscription to the Export Control Regulations, by written request to the Office of Export Control or by other suitable arrangements.

(i) *Special provisions for Country Groups W and Y.* An export or reexport may be made to Country Groups W or Y under the provisions of this § 373.7 only if the following conditions and restrictions are complied with:

(1) The U.S. exporter or a foreign service facility under the U.S. exporter's effective control may export or reexport only replacement parts to a consignee in Country Group W or Y. Spare parts, as defined in paragraph (a)(8) of this section, may not be exported or reexported to these destinations under the SL procedure.

(2) The U.S. exporter or the reexporting service facility must have no knowledge or reason to believe that the equipment to be serviced was exported or reexported to the Country Group W or Y destination without the authorization of the U.S. Government.

(3) The shipment must be for the purpose of servicing equipment originally exported from the United States or obtained from a U.S. subsidiary. Further, the shipment may be made in a total quantity no greater, and a quality no better, than that necessary for this purpose.

(4) Parts identified by the symbol "A" on the Commodity Control List may not be exported or reexported under this procedure to Country Group W or Y if the value of the parts included in a shipment is more than $2,000.[3]

(5) Parts identified by the symbol "A" on the Commodity Control List, regardless of value, may not be exported or reexported to Country Group W or Y to service equipment also identified on the Commodity Control List by the symbol "A".[3]

(6) Special recordkeeping and reporting requirements for exports and reexports to Country Groups W and Y must be observed. (See paragraphs (j) and (k) of this section.)

(j) *Records.* A U.S. exporter is required to maintain records of all exports for a period of 3 years in accordance with the provisions of § 387.11 of this chapter and of this paragraph (j).

(1) A foreign-based service facility or a foreign manufacturer is required to retain records of all reexports made under the provisions of this SL procedure for a period of 3 years and to make all such records available for inspection in accordance with the provisions of § 387.11 of this chapter upon request, by officials of the U.S. Government. As a minimum, the record of each export or reexport shall show:

(i) The Form IA–544 approval number and the full name and address of the individual or firm to which the parts were reexported;

(ii) The full description of the equipment for which the parts were intended;

(iii) The full description of each part reexported;

(iv) Quantity or value of each part reexported; and

(v) Date of reexport.

(2) In the event that a foreign governmental regulation or statute prohibits a U.S. Government representative from inspecting these records in the foreign country, the Office of Export Control may, in substitution, require the submission of specified records, documents, or both.

(k) *Reports.* (1) Each exporter who has been issued an SL license under the provisions of paragraph (f)(1) of this section shall prepare and submit, on a monthly basis, a report on all exports made during the preceding month under the SL license. The report shall identify the commodities and give the quantities shipped to each consignee in the same detail required by the Commodity Control List. Where exports are made to service, vessels or aircraft, both the country of registry and the country to which the shipment was made shall be listed. Yugoslav End-Use Certificates and Swiss Blue Import Certificates covering exports to these destinations shall be submitted as attachments to the report.

(2) If exports of commodities identified by the symbol "A" on the Commodity Conrol List have been made to Country Group W or Y under the SL procedure, the monthly report shall show each of these shipments separately, the date of each shipment, and shall include the following additional information for each such commodity:

(i) A description of the equipment serviced in Commodity Control List terms;

(ii) The quantity or number and the value of such items of equipment serviced; and

(iii) The country in which the equipment was serviced.

(2) If the U.S. exporter has authorized his approved foreign-based service facility to reexport such commodities identified by the symbol "A" to Country Group W or Y, a similar monthly report shall be submitted in the same detail set forth above.

(3) In addition, the Office of Export Control may require additional reports regarding any aspect of exports or reexports under the provisions of this § 373.7.

(4) The reports shall be submitted in original only and transmitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

(l) *Exceptions.* In the event that a U.S. exporter is unable to meet any of the requirements of this SL procedure, but believes that unusual circumstances warrant a waiver or an exception to one or more of these requirements, he may consult or write to the Office of Export Control explaining the circumstances in full and requesting a waiver or exception.

(m) *Cancellation or restriction of license or reexport authorization.* The Office of Export Control may find it necessary to revoke, suspend, revise, or restrict a Service Supply License or a reexport authorization granted under the provisions of the SL procedure with or without prior notice.

(n) *Amendment of license or reexport authorization.* A person or firm desiring to increase the amount authorized for export under the SL procedure may do so at any time during the validity period of the license. Amendment requests shall be submitted on Form IA–763, Request for and Notice of Amendment Action (see Supplement S–4 for facsimile of form), in accordance with the provisions of § 372.11 of this chapter. An amendment of an SL license to extend the validity period will not be granted. A new license application shall be filed for this purpose.

(o) *Effect of other provisions.* Insofar as consistent with the provisions of this § 373.7, all of the provisions of the Export Control Regulations shall apply equally to license and reexport authorizations issued under this section and to applications for licenses and requests for reexport authorization.

3. Supplement No. 1 to Part 373, Commodities Excluded From Distribution License and Project License Procedures, is amended by adding the following commodities:

Export Control Commodity Number and Commodity Description	
33250	Lubricants which contain fluoroalcohol esters or perfluoroalkyl ethers as the principal ingredient.
51202	Cyclic chemical intermediates, as follows: (a) 2-di-cylohexyl carbodiimide; (b) di-o-tolyl carbodiimide; (c) methyl benzylate; (d) ortho chloro benzaldehyde; (e) piperidine carboxyl acid; (f) 3-quinuclidinone; and (g) 3-guinuclidinol.
51203	Beta-diethylaminoethyldiphenylpropylacetate hydrochloride.
51208	Cyclic chemical products, as follows: (a) Ethyl centralite (di-ethyldiphenylurea); (b) methyl centralite; (c) NN-diphenylurea (unsymmetrical diphenylurea); (d) methyl NN diphenylurea (methyl unsymmerical diphenylurea); (e) ethyl-NN-diphenylurea (ethyl unsymmetrical diphenylurea); (f) ethyl phenyl urethane; (g) diphenyl urethane; (h) diortho tolylurethane; and (i) 2-nitrodiphenylamine (N-phenyl-2-nitroaniline; nitrophenylamine).
51209	Diethylene triamine of a purity 96 percent or higher.
51470	Boron carbides, hydrides, and nitrides.

[3] Requests for exceptions to this restriction will be considered under the provisions of paragraph (k) of this section.

Export Control Commodity Number and Commodity Description—Continued

57112 Prepared explosives and priming compositions containing one or more of the following chemicals: mercury fulminate; lead azide; lead styphnate (lead trinitroresorcinate); lead thiocyanate; tetrazine; or diazodinitrophenol.

59972 Artificial nonpyrolytic graphite and products, having an apparent relative density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.), in such forms as will not pass through a 2-inch square hole.

59972 Other artificial graphite products in block, brick, plate, or rod form, smallest dimension 2 inches or over.

59999 Hydraulic fluids formulated wholly or in part with fluorinated or chlorinated silicones, fluoro-alcohol esters, or perfluoro-alkyl ethers.

62105 Hose and tubing: (a) Made of, lined with, or covered with polytatrafluoroethylene or polychlorotrifluoroethylene, or (b) wholly made of, lined with, or covered with oher fluorocarbon polymers or copolymers.

62910 Tires, or a kind specially constructed to be bullet proof or run when deflated; and other aircraft tires and inner tubes.

65380 Continuous tapes suitable for use in filament-wound structures, having all of the following characteristics: (a) Consisting of monofilaments 12 microns (0.0047 inch) or less in diameter, (b) modulus of elasticity greater than 11 times 10^6 p.s.i., and (c) tensile strength to density ratio (figure of merit) greater than 350,000 p.s.i.

65380 Continuous tapes suitable for use in filament-wound structures, made of glass fibers having: (a) A modulus of elasticity of 10.5 times 10^6 p.s.i. or greater, or (b) a tensile strength to density ratio (figure of merit) of 300,000 p.s.i. or greater.

65380 Broad and narrow woven fabrics including tapes, made from silica or quartz fibers, whether or not coated or impregnated.

65543 Textile fabrics, n.e.c. (a) Coated or impregnated with (i) fluorocarbon polymers or copolymers, or (ii) polyimides, polybanzimidazoles, polyimidazopyrrolones, aromatic polyamides, and polyparaxylylenes where the value of such contained polymeric substances, either alone or in combination with fluorocarbon polymers or copolymers, is 50 percent or more of the total value of the materials used; and (b) made from silica or quartz fibers, whether or not coated or impregnated.

65584 Textile fabrics and articles used in machinery or plant, as follows: (a) Wholly made of fluorocarbon polymers or copolymers; and (b) coated or impregnated with (i) fluorocarbon polymers or copolymers, or (ii) polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, and polyparaxylylenes where the value of such contained polymeric substance, either alone or in combination with fluorocarbon polymers or copolymers, is 50 percent or more of the total value of the materials used.

Export Control Commodity Number and Commodity Description—Continued

66363–66370 Other nonpyrolytic artificial graphite products, n.e.c., having an apparent relative density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.).

66363–66370 Other artificial graphite products, n.e.c., in block, brick, plage, or rod form, smallest dimension 2 inches or over.

66494 Silica or quartz fibers in any form (including chopped or macerated) whether or not coated or impregnated; and articles thereof, n.e.c. (including mats and felts).

68950 Lithium alloys containing 50 percent or more lithium.

68950 Titanium metal and titanium alloys containing 70 percent or more titanium, wrought or unwrought, including intermediate mill shapes, and waste and scrap.

69211—69899 Containers, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.) as follows: (a) With multilaminar type insulation under vacuum; or (b) with other insulating systems, having a liquid capacity of 250 gallons or more, and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight.

69899 Castings and forgings, as follows: (a) Lithium or lithium alloy containing 50 percent or more lithium; and (b) titanium metal or titanium alloy containing 70 percent or more titanium.

69899 Electrical conducting materials specially designed for operation continuously or discontinuously at ambient temperatures below minus 202° F. (minus 130° C.).

71510 Metal-cutting machine tools and other machine tools for the working of metals, specially designed for the manufaoture of arms, munitions, and implements of war.

71521 Foundry equipment specially designed for the manufacture of arms, munitions, and implements of war.

71851 Foundry machines specially designed for the manufacture of arms, munitions, or implements of war; and specially designed parts, n.e.c.

71919 Process vessels specially designed for chemically processing radioactive material; and specially designed parts and accessories, n.e.c.

71919 Other machines and equipment, n.e.c., specially designed for use in processing of irradiated nuclear materials to isolate or recover fissionable materials; and specially designed parts and accessories, n.e.c.

71919 Heat exchangers made of aluminum, copper, nickel, or alloys containing more than 60 percent nickel, or combinations of these metals as clad tubes, designed to operate at subatmospheric pressure, with a leak rate of less than 10^{-4} atmospheres per hour under a pressure differential of 1 atmosphere; and specially designed parts, n.e.c.

Export Control Commodity Number and Commodity Description—Continued

71919 Equipment for the production of liquid fluorine; and specially designed parts.

71980 Other hot or cold isostatic presses; and parts and accessories, n.e.c.

71980 Assembling jigs and fixtures for military equipment; and specially designed parts and accessories, n.e.c.

71980 Ammunition loading machines, hand loading; and specially designed parts and accessories, n.e.c.

71980 Equipment for the production of military explosives and solid propellants.

71980 Filament winding machines designed for or modified for the manufacture of rigid structural forms by precisely controlled tensioning and positioning of filament yarns, tapes, or rovings; and parts, controls, and accessories, n.e.c.

72952 Testing and inspecting machines specially designed for the examination, testing, and checking of arms, munitions, and implements of war.

72996 Other electrical carbons, except carbon brushes, made of nonpyrolytic graphite having an apparent relative density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.).

86112 Lenses and prisms specially designed for high-speed cameras and streak cameras under Nos. 86140 and 86150 which are subject to the Import Certificate/Delivery Verification procedure.

86140 Photographic microflash equipment capable of giving a flash of 1/100,000 second or shorter duration at a minimum recurrence frequency of 200 flashes per second; and specially designed parts and accessories.

86191 Range finders specially designed for cameras under Nos. 86140 and 86150 which are subject to the Import Certificate/Delivery Verification procedure; and specially designed parts and accessories, n.e.c.

86195 Testing and inspecting machines specially designed for the examination, testing, and checking of arms, munitions, and implements of war.

86195 Vibration testing equipment.

86198 Testing and inspecting equipment specially designed for the examination, testing, and checking of arms, munitions, and implements of war; and specially designed parts, n.e.c.

86198 Vibration testing equipment capable of providing a thrust greater than 2,000 lbs., and specialized ancillary equipment thereof.

86246–86300 Film and plates, as follows: (a) Having an intensity dynamic range of 1,000,000:1 or more, or (b) having a speed of ASA 10,000 (or equivalent) or more.

89300 Articles, n.e.c., of artificial plastic materials containing silica, quartz, carbon, or graphite fibers in any form.

89300 Hose or tubing made of, lined with, or covered with polytetrafluoroethylene or polychlorotrifluoroethylene.

4. In § 386.2, paragraph (g) is hereby amended to read as follows:

§ 386.2 Presentation and use of validated license.

* * * * *

(g) *Reshipment of undelivered shipments.* Where shipment cleared under a validated export license is not received by the ultimate consignee because the exporting carrier failed to deliver it, the same, or an identical, commodity in the quantity or value shipped may be exported under the same license to the same consignee and destination, provided that satisfactory evidence of the original export clearance and of the failure to deliver the shipment, together with a satisfactory explanation of the delivery failure, is submitted to the Customs Office. If a commodity is to be reexported to any person other than the original consignee, the shipment is deemed to be a new export and is subject to all current Export Control Regulations regarding the specific commodity and destination.

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[F.R. Doc. 69-8475; Filed, July 22, 1969; 8:45 a.m.]

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments

EDITORIAL NOTE: The Foreign Direct Investment Regulations appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations ("CFR"). Thus, all sections of the regulations contained in the CFR are preceded by the designation "1000" (e.g., § 1000.201). The "1000" prefix has for convenience been eliminated from the section references contained in this notice. The terms "DI" and "AFN" are used in this notice to refer to "direct investor" and "affiliated foreign national".

Notice is hereby given that the Office of Foreign Direct Investments (the "Office") has made certain miscellaneous amendments to §§ 203, 306, 312, 313, 324, and 1105 of the Foreign Direct Investment Regulations (the "regulations"). The amendments are substantially as proposed on June 18, 1969 (34 F.R. 9564), but the following clarifications should be noted:

(i) Expenditure of available proceeds in transfers of capital to Canadian AFNs does not decrease available proceeds under § 324(d);

(ii) Reallocation under § 203(d) (2) and (3) can be accomplished only with respect to proceeds of long-term foreign borrowing expended or allocated during 1968 and thereafter; and

(iii) Proceeds deemed allocated under § 203(d)(2) may not thereafter be held in any form prohibited by that subparagraph.

Also, note that section 2 of this notice has been expanded to include further clarification of the effect of partial repayment of a long-term foreign borrowing when a portion of the proceeds of such borrowing has been expended or allocated and a portion is being held as available proceeds.

The principal purpose of the amendments is to give DI's increased flexibility in the use of proceeds of long-term foreign borrowing as a means of complying with the program, by permitting allocation of such proceeds against positive direct investment (including the reinvested earnings component), and to clarify the rules with respect to the use of such proceeds.

1. *Introduction.* Briefly, and in numerical order, the amendments are as follows:

(a) Section 203(a)(3), a definition of "direct investment liquid foreign balances", is revoked. Note, however, the use in § 203 of the term "available proceeds", which is defined in § 324(d) as proceeds of long-term foreign borrowing which have not been expended or allocated.

(b) Section 203(b), requiring that books and records be kept which identify separately the amount and use of long-term foreign borrowing, is abbreviated.

(c) Section 203(c) is amended to eliminate the term "direct investment liquid foreign balances" and to replace it with the term "available proceeds held in the form of liquid foreign balances". The amendment effects no substantive change. However, new § 306(e) should be read in conjunction with § 203(c). The effect of new § 306(e) is to require repatriation to the United States of allocated proceeds. Therefore, allocated proceeds which had previously been held as available proceeds in the form of liquid foreign balances cannot, when allocated, continue to be held as liquid foreign balances.

Section 203(c) continues to require that liquid foreign balances (excluding available proceeds) held by a DI at the end of any month be reduced to the 1965–66 end-of-month average unless the $25,000 exemption of revised § 203(e)(1) applies. This requirement of § 203(c) applies whether a DI elects the $1,000,000 minimum allowable under § 503, the historical allowable under § 504 (a) and (c), or the 30 percent earnings allowable under § 504(b).

(d) Section 203(d)(1) now requires a DI to expend or allocate available proceeds of long-term foreign borrowing, other than available proceeds repatriated to the United States, before the DI is permitted to make a positive net transfer of capital pursuant to § 504 or § 1302. Previously, the section required the expenditure or allocation only of direct investment liquid foreign balances but not proceeds held in the form of nonliquid foreign balances or securities issued by foreign nationals. The section has also been amended to exempt from the restrictions of § 203(d)(1) DIs who elect the $1,000,000 minimum allowable under § 503. This exemption is allowed because DIs electing § 503 cannot carry forward to succeeding years any unused allowable.

(e) The certification procedure in former § 203(d)(2) is repealed. As discussed in section 4 of this notice, a specific exemption procedure is substituted for the certification procedure. Applications must be filed on or before December 1 to be assured of consideration before the end of the year.

(f) Former § 203(d)(3) has been renumbered § 203(d)(2). This section sets forth the rules by which a DI may change the scheduled area in which a deduction is made for proceeds of long-term foreign borrowing originally expended in transfers of capital during 1968 or subsequent years. It is no longer required that available proceeds be expended "because of" § 203(d)(1) in order to change the scheduled area in which a deduction is made.

(g) A new § 203(d)(3) has been added which is analogous to revised § 203(d)(2) referred to in paragraph (f) above. Section 203(d)(3) permits a change during 1969 or subsequent years of the scheduled area in which a deduction for allocated proceeds of long-term foreign borrowing has been made.

(h) Section 203(e)(1) has been amended to permit an exemption from the § 203(c) end-of-month limitation on liquid foreign balances if the DI holds $25,000 or less in liquid foreign balances. Previously, the exemption for liquid foreign balances was applicable only if all foreign balances, nonliquid, liquid, and direct investment liquid foreign balances, did not exceed $25,000.

Section 203(e)(2) has been amended technically and also substantively, so that it now permits an exemption from the prohibitions of § 203(d)(1) if no more than $25,000 of available proceeds are held by the DI at the end of a year in the form of foreign property. Previously, the exemption applied only if all foreign balances of a DI were no more than $25,000.

(i) New § 306(e) is added to permit deductions from positive direct investment at the end of any year for proceeds of long-term foreign borrowing allocated to such positive direct investment. This provision permits allocation even though the positive direct investment may consist entirely of reinvested earnings. Allocated proceeds may not, however, be held, as of the end of the year in which they are allocated, in the form of foreign balances or in the form of securities of foreign nationals or any other foreign property. Thus, allocated proceeds must be repatriated to the United States as of the end of the year in which they are allocated.

(j) Section 312(a)(7), which deals with transfers of capital upon repayment of long-term foreign borrowing, has been amended to conform to §§ 324(c), 306(e), and 203(d) and to delete obsolete material.

(k) Section 313(d)(1), which previously provided for deductions with respect to either expenditures or allocations of proceeds of long-term foreign borrowing, is amended to apply to expenditures only.

(l) Section 324(c), which defines "proceeds of long-term foreign borrowing", has been clarified, and the provision therein which added to available proceeds amounts repaid by AFNs to the

DI, or amounts distributed to a DI on liquidation of an AFN, has been deleted. The section, as amended, also requires that a DI must report a borrowing on its first report filed with the Office following the borrowing, in order for the funds received from the borrowing to qualify as proceeds.

(m) Section 324(d) has been amended to clarify the definition of "available proceeds". These are proceeds of long-term foreign borrowing which have not yet been allocated to positive direct investment or expended in making transfers of capital to AFNs other than Canadian AFNs. Available proceeds expended in transfers of capital to Canadian AFNs continue to be available proceeds.

(n) Section 1105(c) is obsolete and has been revoked.

2. *Available proceeds of long-term foreign borrowing.* The term "proceeds of long-term foreign borrowing" is defined in § 324(c) to mean the gross amount or value received (before deducting discounts, commissions or fees) less repayment of principal of such borrowing. A borrowing must be reported to the Office on the DI's first required periodic report following the borrowing (whether it be the quarterly or annual report) in order for funds received from the borrowing to qualify as proceeds of long-term foreign borrowing. Therefore, DIs who plan to use funds received from a borrowing for direct investment purposes at any time in the current or succeeding years should report the borrowing on Form FDI–102 or FDI–102F, if the DI is required to file such reports. However, if a DI does not plan to use funds received from a long-term foreign borrowing for expenditure or allocation under the regulations, it need not report such a borrowing. If a borrowing is not reported, the DI will not have available proceeds from such borrowing at the end of 1969 and will not be subject to § 203(d)(1) with respect to such borrowing. Note, however, that funds received from such borrowing will, if held in liquid foreign balances, be subject to the limitations of § 203(c).

The term "available proceeds" of long-term foreign borrowing is defined in § 324(d) as the proceeds remaining after subtracting (1) amounts expended in making transfers of capital to AFNs (other than Canadian AFNs) and deducted under § 313(d) (1) and (2) amounts allocated to positive direct investment in any scheduled area (other than to positive direct investment in Canada) and deducted under § 306(e). Available proceeds expended in transfers of capital to Canadian AFNs remain available proceeds. See section 3 of this notice for a discussion of the rules governing disposition of such proceeds upon allocation.

The provision in former § 324(c)(2) that treated the repayment or other liquidation of debt or equity acquired by the DI with proceeds as an addition to available proceeds has been deleted, because available proceeds which have been expended in making transfers of capital to AFNs may now be freely reallocated to other scheduled areas under § 203(d)(2). Such repayment or liquidation will, if it meets the conditions of § 312(b), qualify as a transfer of capital from the AFN to the DI and should be reported as such. See section 5 of this notice for an explanation of the manner in which new § 203(d)(2) replaces the prior provision of § 324(c)(2).

Section 312(a)(7) has also been amended to conform to §§ 324(c), 306(e), and 203(d). Previously, a transfer of capital in repayment of a long-term foreign borrowing was incurred only if the proceeds of such borrowing were invested at the time DI repaid the borrowing; i.e., if the proceeds were then expended in transfers of capital to an AFN or allocated to a positive net transfer of capital. Accordingly, during 1968, if proceeds which had been expended in an AFN were returned to the DI by the AFN in the manner contemplated by former § 324(c)(2), prior to repayment of the long-term foreign borrowing by the DI, no transfer of capital would be incurred as a result of such repayment.

Because of the amendment of §§ 324(c) and 203(d)(2), recognition of a transfer of capital under revised § 312(a)(7) depends not on whether the proceeds of the long-term foreign borrowing are invested in an AFN at the time of repayment of such borrowing, but on whether a deduction has been taken at any time with respect to such proceeds. Section 312(a)(7) now requires recognition of a transfer of capital if a deduction was taken with respect to use of proceeds under § 313(d)(1) at the end of any year, 1965 through 1968, unless such proceeds were returned to the DI prior to the end of 1968, in the manner contemplated by former § 324(c), and were not expended or allocated thereafter. Section 312(a)(7) also requires recognition of a transfer of capital if a deduction is claimed during 1969 or any year thereafter under § 313(d)(1) or § 306(e). Therefore, during 1969, if proceeds are returned by an AFN to the DI, prior to repayment by the DI of the long-term foreign borrowing, the DI nevertheless incurs a transfer of capital upon repayment of the borrowing. (During 1969, however, the DI recognizes a § 312(b) transfer of capital upon return of the proceeds.)

As was the case previously, a DI does not incur a transfer of capital in repayment of a long-term foreign borrowing if the proceeds of such borrowing have not been expended or allocated at any time, i.e., remain available proceeds.

General, whether a transfer of capital or a reduction of available proceeds results from the repayment of a long-term foreign borrowing may be ascertained by the DI from its books and records kept pursuant to § 203(b). Accordingly, when a DI repays a long-term foreign borrowing, all of the proceeds of which have been expended or allocated in connection with making positive direct investment, the DI must report a transfer of capital under § 312(a)(7), and when a DI has not expended or allocated any portion of the proceeds of a particular long-term foreign borrowing, any repayment of the borrowing results in a reduction of available proceeds. However, if a portion of the proceeds of a borrowing has been expended or allocated, while the remainder has not been expended or allocated and thus constitutes available proceeds, the effect of a partial repayment cannot be ascertained from the DI's books and records. In such case, any repayment of such borrowing shall be treated first as a reduction of the available proceeds of such borrowing, until the available proceeds are reduced to zero, and then as a transfer of capital under § 312(a)(7). Notwithstanding the immediately preceding sentence, where a long-term foreign borrowing is in the form of debentures convertible into stock of the DI and a portion of the proceeds of such borrowing has been expended or allocated and a portion is held as available proceeds, the Office will permit the DI to treat repayments resulting from conversions either as reductions of available proceeds of such borrowing, or as transfers of capital under § 312(a)(7).

The following examples are illustrative of § 324 (c) and (d):

Example 1. On March 1, 1969, an international finance subsidiary of a U.S. corporation (DI) sells in a public offering in Europe 12-year, $20,000,000 face amount convertible debentures at an aggregate discount of $500,000 and pays $500,000 in underwriting fees. DI thus receives $19,000,000 net as a result of the borrowing. However, for purposes of § 324(c), the proceeds of the borrowing are nevertheless $20,000,000 and DI has $20,000,000 in available proceeds, including the $1,000,000 representing discount and fees. DI may allocate a full $20,000,000 to positive direct investment under § 306(e) even though only the $19,000,000 received is repatriated before the end of the year. DI may alternatively transfer $1,000,000 abroad and hold in liquid foreign balances a full $20,000,000 without regard to the limitations of § 203(c). Thereafter, if it expends such proceeds in making transfers of capital, the full $20,000,000 will be deductible under § 313(d)(1). In both cases DI's books and records must indicate the use and employment of the proceeds, as provided in § 203(b).

Example 2. Same facts as Example 1. On April 1, 1969, DI loaned $15,000,000 of such proceeds to its Belgian subsidiary (X), and invested the remaining $4,000,000 of the net borrowed proceeds in certificates of deposit in the London branch of a U.S. bank. There are no other relevant transactions during 1969, and accordingly DI has available proceeds of $5,000,000 as of the end of 1969. On March 1, 1970, X makes a repayment of $1,000,000 to DI. As of such date, DI still has available proceeds of only $5,000,000. The repayment of $1,000,000 to DI from X does not increase available proceeds but constitutes a transfer of capital from Schedule C to DI under § 312(b). If the funds repaid are thereafter transferred to AFN's, § 312(a) will apply to such transfers, but § 313(d)(1) will not apply.

Example 3. Same facts as Example 2 except that $2,000,000 face amount of debentures were converted during 1969. DI had filed a certificate under Subpart J with respect to the issuance of the debentures, so that recognition of the transfer of capital is postponed until 1970. DI treats the repayment by conversion as a repayment with respect to the proceeds expended in X, and thereby incurs a transfer of capital of $2,000,000 to X under § 312(a)(7), recognition of which is postponed until 1970 by § 1002(a)(3). Note that if the repayment had not been by reason of conversion of a debenture,

the partial repayment by DI would have reduced available proceeds in the amount of $2,000,000. DI, in that case, would not have incurred a transfer of capital under § 312 (a)(7) and would hold only $3,000,000 of available proceeds.

Example 4. On February 1, 1969, DI borrowed $1,000,000 from a foreign bank which qualified as long-term foreign borrowing under § 324 and expended the proceeds in making a transfer of capital in the form of a loan to its U.K. subsidiary (X). In its final report for the year 1969, DI would show direct investment of zero, since the transfer of capital is offset by a deduction under § 313(d)(1), because such transfer of capital was made with proceeds of long-term foreign borrowing. On March 1, 1970, X repays $250,000 to DI and on June 30, 1970, DI repays $500,000 in principal amount to the foreign bank. There are no other relevant transactions during this time. Assuming DI is required to file quarterly reports in 1970, it would report a negative net transfer of capital of $250,000 under § 312(b) at the end of the first quarter. The repayment by X to DI would not constitute an increase in available proceeds. At the end of the second quarter, after DI has repaid $500,000 of its borrowing, DI would report a positive net transfer of capital to X of $250,000 for the half year ($500,000 in § 312(a) transfers less $250,000 in § 312(b) transfers). Note also that DI has, as of June 30, 1970, only $500,000 of proceeds of long-term foreign borrowing, all of which are expended in X. Note also that available proceeds cannot be less than zero and cannot exceed proceeds of long-term foreign borrowing (i.e., such borrowing as is outstanding at a given point in time).

3. *Allocation to positive direct investment under § 306(e).* New § 306(e) has been added to give additional flexibility to DIs in using proceeds of long-term foreign borrowing to reduce positive direct investment to the level authorized by Subparts E and M. During 1968, to the extent positive direct investment was attributable to reinvested earnings, it could only be reduced by payment of dividends by AFNs or by a negative net transfer of capital. The regulations did not permit the allocation of the proceeds of long-term foreign borrowing as an offset to reinvested earnings. This is now expressly permitted by § 306(e), provided that available proceeds equal to the amount allocated on the DI's books and records are repatriated to the United States as of the end of the year for which the deduction under § 306(e) is made. After the allocation has been made, the DI is prohibited from holding the allocated proceeds in the form of foreign balances or securities of foreign nationals or any other foreign property: *Provided, however,* That such proceeds may be used in making transfers of capital to AFNs. However, if such proceeds are so expended, no deduction under § 313(d)(1) will be allowed, since the transfer of capital was not made with available proceeds. The repayment of the long-term foreign borrowing, the proceeds of which are involved in the allocation, will constitute a transfer of capital under § 312(a)(7) to the scheduled area with respect to which the allocation under § 306(e) was made.

If available proceeds which have been expended in transfers of capital to Canadian AFNs are allocated to positive direct investment in any scheduled area, they may not remain expended (i.e., held by the DI in the form of securities of a foreign national) as of the end of the year in which they are allocated. Therefore, such proceeds must be returned by the Canadian AFN and held by the DI as of the end of such year in any form not prohibited by § 306(e). The holding of such proceeds by a Canadian AFN in a form that would be permitted by § 306(e) if held by the DI does not satisfy the requirements of § 306(e). After return to the DI, the allocated proceeds may, in any subsequent year, be expended in transfers of capital to AFNs, including Canadian AFNs.

The following examples are illustrative of §§ 306(e) and 313(d)(1):

Example 5. DI elects the $1,000,000 minimum allowable under § 503 for 1969. (Note that this election makes § 203(d)(1) inapplicable.) During 1969, DI makes no net transfer of capital of its scheduled area B incorporated AFN (X), and X has earnings of $1,400,000 and pays no dividends. During 1969, DI makes a long-term foreign borrowing of $1,000,000 and reports such proceeds on its next quarterly report (or if no such report is required, on its next annual report). Prior to December 31, DI repatriates $400,000 to the United States as provided in § 306(e)(1)(iii), and uses such amount for domestic working capital purposes. DI holds $600,000 of available proceeds in the form of liquid foreign balances, as permitted by § 203(c). No other relevant transactions occur in 1969. DI thereafter enters an "allocation" on its books and records as required in § 306(e)(1)(i) and deducts $400,000 from positive direct investment (calculated as provided in § 306(a)(3)) on its FDI–102F for 1969 as required in § 306(e)(1)(ii). Accordingly, DI has made positive direct investment, for purposes of § 503, of $1,000,000 in 1969 and carries forward $600,000 in available proceeds for use in subsequent years.

Example 6. Same facts as Example 5. During 1970, DI expends the $600,000 of available proceeds carried over from 1969 in a transfer of capital to X, and expends the $400,000 previously allocated and repatriated to the United States in 1969 plus an additional $600,000 in a transfer of capital to a newly-formed AFN (Y) in scheduled area C. There are no other relevant transactions. DI has made total transfers of capital under § 312(a) during 1970 of $1,600,000 and, before applying the deduction provisions of § 313(d)(1), it has a positive net transfer of capital and positive direct investment in the same amount. However, DI may deduct under § 313(d)(1) the amount of available proceeds transferred to X ($600,000) in computing its net transfer of capital in 1970. The transfer to Y of allocated proceeds will result in a transfer of capital under § 312(a) and § 313(d)(1) shall not apply to such transfer. Note that upon repayment of the long-term foreign borrowing, a § 312(a)(7) transfer of capital will result from the repayment, all of which will be charged in scheduled area B since the full amount of the proceeds were expended or allocated in that scheduled area; i.e., $600,000 representing the deferred charge for the deduction provided for expenditure of proceeds under § 313(d)(1) and $400,000 representing the deferred charge provided for allocations of proceeds under § 306(e). The actual transfer of the $400,000 allocated proceeds to a different scheduled area does not change the scheduled area to which a repayment of the borrowing is charged under § 312(a)(7).

4. *Use of available proceeds required by § 203(d)(1).* Section 203(d)(1) no longer applies to DIs electing the minimum allowable of § 503. Section 203(d)(1) requires, however, that DIs electing either the historical or earnings allowables of § 504 or the earnings allowable of § 1302 make use of any available proceeds which are held in the form of foreign balances or securities of foreign nationals before making a positive net transfer of capital to a scheduled area for the year, to the extent that the positive net transfer of capital will result in positive direct investment in that scheduled area that is not authorized by § 1002. For the purpose of complying with § 203(d)(1), available proceeds may be expended in transfers of capital to AFNs and deducted under § 313(d)(1), or they may be allocated to positive direct investment and deducted under new § 306(e). As amended, the prohibitions of § 203(d)(1) now apply if available proceeds are held in any type of foreign property, and not only if available proceeds are held in liquid foreign balances, as was previously the case. Only if available proceeds are repatriated to the United States will the DI not be affected by the prohibitions of § 203(d)(1).

Section 203(d)(1) provides that any allocation to positive direct investment pursuant to § 306(e), even though made to bring the DI into compliance with its schedular allowables as well as for § 203(d)(1) purposes, shall first be deemed to reduce the positive net transfer of capital component of positive direct investment. Accordingly, any allocations under § 306(e) will serve the double purpose of satisfying § 203(d)(1) at the same time as they reduce positive direct investment for purposes of § 504.

Since exemption from § 203(d)(1) requires that available proceeds be repatriated to the United States, and since the allocation of available proceeds under § 306(e) requires that proceeds so allocated be repatriated to, and held in, the United States, compliance with § 203(d)(1) may in certain instances be impossible or create substantial hardship. Also, the amendment to § 203(d)(1) may cause hardship to a DI which prior to the proposed amendments invested available proceeds in foreign balances with a maturity after the end of 1969. Section 203(d)(2) formerly provided relief from the provisions of § 203(d)(1) if a DI certified within 45 days after the end of the year that the expenditure of available proceeds held in the form of direct investment liquid foreign balances as of the end of the year

in making the positive net transfers of capital which were actually made by the direct investor during such year, and the liquidation and return of such direct investment liquid foreign balances to the United States, would have contravened express representations made by the direct investor to, or restrictions imposed on the direct investor by, persons from whom the relevant long-term foreign borrowings were obtained (as conditions to obtaining such borrowings) or would have created a substantial probability of material adverse United States or foreign tax consequences to the direct investor.

These same grounds for relief from § 203(d)(1) will continue to apply, but relief will be granted in 1969 in the form

of specific exemptions rather than by certification. Applications for such relief, however, must be filed on or before December 1 of the year for which exemption is sought in order to assure consideration by the Office by the end of the year. DIs should refer in this connection to the Revised Instructions for Submitting Applications for Specific Authorization or Exemptions or for Interpretive Opinions, dated June 6, 1969, issued by the Office.

The Office recognizes that in certain instances DIs, particularly their international finance subsidiaries (frequently referred to as "80/20" or "Section 861" corporations), may be concerned that any repatriation of proceeds of long-term foreign borrowing as a result of § 203(d)(1) may jeopardize the exemption from United States withholding taxes on interest payable to foreign creditors. In this connection, however, the Office wishes to direct the attention of DIs to Internal Revenue Service Technical Information Release No. 1005, issued December 27, 1969 (Rev. Rul. 69–27), in which there is discussion of several options available under § 861(a) of the Internal Revenue Code which are consistent with the objectives and requirements of the Foreign Direct Investment Program and will not adversely affect an international finance subsidiary's § 861 "foreign source income" position.

The following example is illustrative of § 203(d)(1):

Example 7. DI elects the 30 percent earnings allowable under § 504(b) for 1969 and has a Schedule B allowable of $2,000,000. During 1969, DI makes a positive net transfer of capital to Schedule B of $2,500,000 and its Schedule B AFNs earn $1,000,000. In addition, DI holds $5,000,000 in available proceeds in the form of short-term deposits in a German bank (liquid foreign balances). Assuming DI's Schedule B AFNs pay no dividends for 1969, DI may repatriate prior to the end of the year $1,500,000 of the available proceeds and allocate and deduct such amount pursuant to § 306(e), thereby reducing its positive direct investment in Schedule B to $2,000,000 ($2,500,000 plus $1,000,000 less $1,500,000) in compliance with its allowables under § 504(b). However, since DI would still hold overseas available proceeds in the form of foreign balances, and its net transfers of capital to Schedule B, after taking into account the proviso to § 203(d)(1), would be $1,000,000 ($2,500,000 less $1,500,000), DI is required to allocate before the end of the year at least an additional $1,000,000 to comply with § 203(d)(1). If this repatriated amount is allocated to positive direct investment under § 306(e), DI will report positive direct investment in Schedule B during 1969 on its FDI–102F of $1,000,000 (deemed to consist of a zero net transfer of capital plus reinvested earnings of $1,000,000) and would have a Schedule B carry-forward into 1970 of $1,000,000 for its unused allowables in that amount. In the alternative DI may repatriate all remaining available proceeds held in the form of foreign balances of $3,500,000 so that § 203(d)(1) does not apply, and it need not then allocate any portion of them to positive direct investment. DI would then show positive direct investment in Schedule C of $2,000,000, it would have no carry-forward and it would have $3,500,000 of available proceeds for use in succeeding years.

5. *Change of scheduled area in which deductions are made.* Section 203(d)(3) as in effect during 1968 permitted proceeds of long-term foreign borrowing expended in a scheduled area in transfers of capital to be "reallocated" to transfers made to another scheduled area, but only if such transfers were made because of the provisions of § 203(d)(1). Further, only one such reallocation could be made. Under new § 203(d)(2), a direct investor which expended proceeds of long-term foreign borrowing during 1968 and took a deduction from net transfer of capital to a scheduled area under § 313(d)(1), or expends proceeds during 1969 and takes a deduction under such section, may thereafter, up to the amount of the actual deductions, make unlimited successive deductions, in the same or successive years, from positive direct investment in other scheduled areas. Also, under new § 203(d)(3), a direct investor which allocated proceeds of long-term foreign borrowing at the end of 1968 and took a deduction under § 313(d)(1), or allocates such proceeds at the end of 1969 and takes a deduction under § 306(e), may thereafter make unlimited successive allocations and deductions, in successive years, from positive direct investment in other scheduled areas. Both subparagraphs (2) and (3) of § 203(d) permit a change in the scheduled area to which an allocation is made whether or not the first expenditure or allocation was made because of the provisions of § 203(d)(1). In each case, however, for each new deduction, a transfer of capital in an amount equal to the deduction is recognized in the scheduled area in which the last prior expenditure or allocation was made. If a reallocation is made under § 203(d(3), the proceeds with respect to which the reallocation is made must continue to be held as allocated proceeds under § 306(e)(2). If a change of deduction is made under § 203(d)(2), the proceeds deemed allocated by that subparagraph may not be held in any form prohibited by that subparagraph.

No reallocation under § 203(d)(2) or (3) may take place with respect to a borrowing that has been repaid, since allocated proceeds are, by definition, only those proceeds which are of outstanding borrowings. Reallocation may, however, in all events be made up to the amount of proceeds expended in transfers of capital or allocated to positive direct investment to the extent the long-term foreign borrowing with respect to those proceeds is not repaid.

Section 203(d)(2) now provides the DI with the flexibility to make successive short-term loans to various AFNs in different scheduled areas that was previously provided by § 324(c) as in effect during 1968. Under former § 324(c), the DI could loan proceeds of long-term foreign borrowing to an AFN, taking a deduction under § 313(d)(1) against the § 312(a) transfer of capital arising because of the loan. If, during the same year, the DI desired to use the proceeds in another AFN, it could receive repayment of the loan previously made with the proceeds. This repayment by the first AFN to the DI would not, under former § 324(c), be recognized as a transfer of capital under § 312(b), but would increase available proceeds in the hands of the DI. The DI could then lend the proceeds to the other AFN and again take a deduction under § 313(d)(1).

Under § 203(d)(2), during 1969, the same transactions may be accomplished, but the manner of reporting them has been changed. The loan to the first AFN is still reported as a transfer of capital under § 312(a), with a deduction taken under §313(d)(1). However, when the first AFN repays the loan to the DI, a transfer of capital under § 312(b) is recognized; there is no increase of available proceeds in the hands of the DI, since the proceeds are deemed to be still invested in the first AFN. The funds received by the DI, therefore, would not be exempt from the limitations of § 203(c) if held in the form of liquid foreign balances.

DI may now loan the proceeds to a second AFN, but because the proceeds are not available proceeds, DI may take no § 313(d)(1) deduction against the § 312(a) transfer of capital. However, if, at the end of the year, DI desires to take a deduction against the § 312(a) transfer of capital, it may do so under § 203(d)(2). At such time, a transfer of capital to the scheduled area of the first AFN is recognized, but such transfer of capital under § 203(d)(2) will be offset by the prior § 312(b) transfer of capital from the first AFN to the DI.

After a change in deduction is made under § 203(d)(2), the proceeds with respect to which the deduction is taken must not be held by the DI in any form prohibited by that subparagraph. Accordingly, if such proceeds are returned to the DI by reason of repayment or other liquidation of a debt or equity interest in an AFN required with proceeds, the proceeds may not be held in the form of foreign property except that the proceeds may be used to make transfers of capital to AFNs (to which § 313(d)(1) does not apply). For example, if a DI loans available proceeds to an AFN during 1969, which loan is repaid to the DI during 1969, and if the DI then allocates such proceeds to the reinvested earnings component of positive direct investment in a different scheduled area under § 203(d)(2) at the end of 1969, and if the DI holds the funds received from the AFN, then the DI must not hold such funds in any form prohibited by § 203(d)(2). Under the proviso in § 203(d)(2), however, DI may hold the funds in the form of securities of AFNs which were acquired by making transfers of capital to those AFNs.

The following example is illustrative of § 203(d)(2) and (3):

Example 8. DI elects the historical allowable for 1969 and has a Schedule B allowable of $2,000,000. During 1969, DI makes a long-term foreign borrowing, the gross proceeds of which are $5,000,000. During 1969, DI expends $3,000,000 of its available proceeds by making a loan to X, its sole Schedule B AFN, for which a deduction is taken under § 313(d)(1), and X has earnings of $4,000,000 and pays no dividends, resulting in positive

direct investment in Schedule B during 1969 of $4,000,000. Prior to the end of 1969, however, X repatriates and allocates its remaining $2,000,000 of available proceeds to positive direct investment in X and deducts such amount under § 306(e) to arrive at $2,000,000 of positive direct investment in 1969 authorized by its Schedule B allowable.

During 1970, DI again elects the historical allowable of $2,000,000 in Schedule B. DI acquires a Schedule C AFN (Y), with $4,000,000 of funds from U.S. sources. DI has no allowable and no other AFNs in Schedule C and makes no other transactions in Schedule C. The acquisition is a transfer of capital which results in positive direct investment in Schedule C during 1970 of $4,000,000. During 1970, DI deducts from Schedule C positive direct investment, under § 203(d)(2), $3,000,000 which was expended in making the transfer of capital to Schedule B during 1969. DI also allocates $1,000,000, under § 203(d)(3), which was previously allocated to positive direct investment in Schedule B during 1969, and therefore deducts a total of $4,000,000 from positive direct investment in Schedule C during 1970 in order to comply with the program in that scheduled area. This change in the scheduled area in which allocation and deduction are made results in transfers of capital to X in Schedule B during 1970 of $4,000,000 ($3,000,000 plus $1,000,000). During 1970, X has earnings of $4,500,000 and pays dividends in the same amount to DI, and X also, during 1970, repays $2,000,000 of the $3,000,000 loan made by DI during 1969 with proceeds, which is recognized as a transfer of capital to DI of $2,000,000, so that DI has positive direct investment in Schedule B for 1970 of $2,000,000 as authorized under its § 504 allowable for that scheduled area. DI may not hold the $2,000,000 of allocated proceeds repaid to it by X in any form prohibited by § 203(d)(2).

6. *Miscellaneous.* Section 203(e)(1) has been amended to permit an exemption from the § 203(c) end-of-month limitation on liquid foreign balances if the DI holds $25,000 or less in liquid foreign balances. DIs which elect the § 503 minimum allowable, in particular, should note that the increase of the § 503 minimum allowable to $1,000,000 does not affect the ceiling provided in § 203(c) which continues to be based on the average end-of-month amounts of liquid foreign balances held by the DI during 1965 and 1966, subject only to the $25,000 exemption. All DIs should be aware that it is the intent of the regulations that the volume of liquid foreign balances should not vary significantly over the course of a month, except for legitimate business reasons. In addition, DIs are also reminded that § 203(a)(4) provides that certain liquid foreign balances nominally held by AFNs of a DI will be considered held by the DI itself. For example, intercompany loans to a subsidiary which result in liquid foreign balances not related to the business needs of the subsidiary are both transfers of capital under § 312(a) and liquid foreign balances subject to the ceilings established in § 203(c).

The text of the amendments, effective with respect to transactions on or after January 1, 1969, unless otherwise specifically provided, is as follows:

1. Subparagraph (3) of paragraph (a) of § 1000.203 is revoked, and paragraphs (b), (c), (d), and (e) of that section are revised to read as follows:

§ 1000.203 Liquid foreign balances.

(a) * * *

(3) [Revoked]

* * * * *

(b) Each direct investor shall maintain books and records that identify separately all proceeds of long-term foreign borrowing received with respect to each long-term foreign borrowing made by the direct investor and the uses to which such proceeds have been put.

(c) Except as provided in paragraph (e)(1) of this section or as permitted by the Secretary by means of authorizations, exemptions or otherwise, each direct investor is hereby required, on or before June 30, 1968, to reduce the amount of liquid foreign balances (other than available proceeds, as defined in § 1000.324(d), held in the form of liquid foreign balances) held by such direct investor to an amount not in excess of the average end-of-month amounts of such balances held by such direct investor during 1965 and 1966 (whether or not a direct investor at that time); and, thereafter, to limit the amount of such balances held by such direct investor at the end of any month to such reduced amount.

(d) (1) Except as provided in paragraph (e)(2) of this section, or as permitted by the Secretary by means of authorizations, exemptions or otherwise, a direct investor which holds available proceeds, as defined in § 1000.324(d), in the form of foreign balances or in the form of securities (including debt obligations, equity interests and any other type of investment contract) of foreign nationals or in the form of any other foreign property as of the end of any year commencing with the year 1969 shall be prohibited from making a positive net transfer of capital to any scheduled area for such year, but only to the extent such positive net transfer of capital results in positive direct investment in such scheduled area for such year that is not authorized by § 1000.1002: *Provided*, That this subparagraph shall not apply to a direct investor which elects to be governed by § 1000.503 for such year: *And provided further*, That for purposes of this subparagraph, allocations to positive direct investment under § 1000.306(e) or subparagraph (2) of this paragraph and reallocations under subparagraph (3) of this paragraph shall be deemed to reduce any positive net transfer of capital to a scheduled area and thereafter to reduce any reinvested earnings in such scheduled area.

(2) A direct investor which, during 1968 or any succeeding year, expends proceeds of long-term foreign borrowing and makes a deduction from net transfer of capital to a scheduled area under § 1000.313(d)(1), may thereafter deduct, during 1969 or any succeeding year, from positive direct investment in a different scheduled area, an amount equal to all or a part of such expended proceeds as are allocated pursuant to this subparagraph. Proceeds shall be allocated in a different scheduled area pursuant to this subparagraph if (i) an entry is made in the books and records maintained by the direct investor under paragraph (b) of this section and § 1000.601; (ii) the allocation and the deduction from positive direct investment in a different scheduled area are reported on the next annual report of the direct investor (Form FDI–102F) filed for the year for which the deduction is made; and (iii) the proceeds with respect to which such deduction is made, as of the end of the year for which the deduction is made and thereafter, are not held, directly or indirectly, in the form of foreign balances or in the form of securities (including debt obligations, equity interests and any other type of investment contract) of foreign nationals or in the form of any other foreign property: *Provided*, That such proceeds may remain expended in an affiliated foreign national or again be expended at any time in making transfers of capital to affiliated foreign nationals, but if so again expended, § 1000.313(d)(1) shall not apply. The direct investor shall be deemed at the time of such deduction from positive direct investment in a different scheduled area to have made a transfer of capital equal to the amount of such deduction to the scheduled area in which the deduction from net transfer of capital under § 1000.313(d)(1) was previously made. The direct investor may thereafter continue to change the scheduled area in which a deduction from positive direct investment is made, up to the amount of proceeds of long-term foreign borrowing expended in making the original transfer of capital for which a deduction under § 1000.313(d)(1) was made: *Provided*, That each time such change occurs, the direct investor shall be deemed to have made a transfer of capital to the immediately previous scheduled area in the amount of the deduction from positive direct investment in the subsequent scheduled area.

(3) A direct investor which, during 1968 or any succeeding year, allocates proceeds of long-term foreign borrowing and deducts the amount of such proceeds from positive direct investment in a scheduled area under § 1000.306(e), may, during 1969 or any succeeding year, reallocate all or part of such proceeds of long-term foreign borrowing to positive direct investment in another scheduled area. The direct investor which makes a reallocation under this subparagraph (3) shall be deemed at the time of such reallocation to have made a transfer of capital equal to the amount so reallocated to the scheduled area in which the proceeds of long-term foreign borrowing were allocated immediately prior thereto. The direct investor may thereafter continue to reallocate to different scheduled areas, up to the amount of proceeds of long-term foreign borrowing previously allocated: *Provided*, That each time such reallocation occurs, the direct investor shall be deemed to have made a transfer of capital equal to the amount so reallocated to the scheduled area to which the proceeds of long-term foreign borrowing were allocated or reallocated or immediately prior to such reallocation.

(e) (1) Commencing with July 1, 1969, a direct investor which, as of the end of any month, has total liquid foreign balances (other than available proceeds held in the form of liquid foreign balances) not exceeding $25,000, shall not be subject to the provisions of paragraph (c) of this section with respect to such month.

(2) A direct investor which, as of the end of any year, holds available proceeds in the form described in paragraph (d)(1) of this section in an aggregate amount not in excess of $25,000, shall not be subject to the provisions of paragraph (d)(1) with respect to such year.

2. A new paragraph (e) is added to § 1000.306 to read as follows:

§ 1000.306 Positive and negative direct investment.

* * * * *

(e)(1) There shall be deducted from positive direct investment in a scheduled area during any year, as calculated under paragraph (a) of this section, an amount equal to any available proceeds (as defined in § 1000.324(d)) allocated by the direct investor to such positive direct investment for such year. Available proceeds shall be allocated to such positive direct investment for such year if (i) an entry is made in the books and records maintained by the direct investor under §§ 1000.203(b) and 1000.601; (ii) the allocation and deduction is reported on the next annual report of the direct investor (Form FDI–102F) filed for the year for which the deduction is made; and (iii) the proceeds, as of the end of the year for which the deduction is made, are not held, directly or indirectly, in the form of foreign balances or in the form of securities (including debt obligations, equity interests and any other type of investment contract) of foreign nationals or in the form of any other foreign property.

(2) A direct investor which allocates available proceeds as provided in subparagraph (1) of this paragraph is prohibited from thereafter holding such proceeds in any form prohibited by subdivision (iii) of that subparagraph: *Provided*, That such proceeds may thereafter be expended in making transfers of capital to affiliated foreign nationals, but if so expended, § 1000.313(d)(1) shall not apply.

3. Section 1000.312(a)(7) is revised to read as follows:

§ 1000.312 Transfers of capital.

(a) * * *

(7) The complete or partial satisfaction by a direct investor of a long-term foreign borrowing made by the direct investor before or after the effective date of the regulations to the extent the proceeds of the borrowing were expended in making transfers of capital on or after January 1, 1965, or were allocated by the direct investor (on the books and records maintained by the direct investor under §§ 1000.203(b) and 1000.601) to positive direct investment. A transfer of capital resulting from the repayment of a borrowing by a direct investor shall be deemed to have been made to the scheduled area in which such proceeds were expended or to which they were allocated at the time of such repayment and with respect to which a deduction was made under § 1000.203(d)(2), § 1000.203(d)(3), § 1000.306(e), or § 1000.313(d)(1); or if deductions were made in two or more scheduled areas with respect to such repaid borrowing, the transfer shall be apportioned among such scheduled areas in the same proportions as the amount of such deductions in each such scheduled area. If any apportionment made by a direct investor hereunder is determined by the Secretary to be inconsistent with the purposes of this part, the Secretary shall have the right, in his discretion, to make an apportionment consistent with the purposes of this part.

* * * * *

4. Paragraph (d)(1) of § 1000.313 is revised to read as follows:

§ 1000.313 Net transfer of capital.

* * * * *

(d) In calculating the amount of the net transfer of capital made by a direct investor to a scheduled area during any period (including the years 1965 and 1966) pursuant to paragraph (c) of this section:

(1) There shall be deducted an amount equal to the proceeds of long-term foreign borrowing actually expended in making transfers of capital to affiliated foreign nationals in such scheduled area during such period.

* * * * *

5. Paragraphs (c) and (d) of § 1000.324 are revised to read as follows:

§ 1000.324 Long-term foreign borrowing.

* * * * *

(c) "Proceeds of long-term foreign borrowing" means (1) the gross amount or value (before deducting any discounts, commissions or fees) of funds or other property received by a direct investor from the first purchaser or holder in exchange for the debt obligation issued or created in connection with the borrowing, and reported by the direct investor on its next and all succeeding periodic reports filed with the Office (whether quarterly on Form FDI–102 or annual on Form FDI–102F) for periods during which such borrowing is outstanding, less (2) repayments of principal of such borrowing.

(d) "Available proceeds" means proceeds of long-term foreign borrowing (as defined in paragraph (c) of this section) less (1) amounts which have been expended in transfers of capital to affiliated foreign nationals other than Canadian affiliates as defined in §1000.1101(a) and deducted under § 1000.313(d)(1), and (2) amounts allocated to positive direct investment made in a scheduled area and deducted under § 1000.306(e).

* * * * *

6. Section 1000.1105 is amended to revoke paragraph (c) of that section.

§ 1000.1105 Foreign balances.

* * * * *

(c) [Revoked]

7. The amendments hereby adopted shall be effective as of the date of publication in final form in the FEDERAL REGISTER and shall apply to all direct investment and affected transactions occurring during the year 1969 and succeeding years.

RICHARD P. URFER,
Director, Office of Foreign Direct Investments.

JULY 18, 1969.

[F.R. Doc. 69-8654; Filed, July 22, 1969; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-4988, 34-8650]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Registration Forms; Description of Lines of Business

On February 18, 1969, the Securities and Exchange Commission published in Securities Act Release No. 4949 (Securities Exchange Act Release No. 8530; 34 F.R. 2362, Feb. 19, 1969) certain revised proposals for amendments to Forms S–1 (17 CFR 239.11), S–7 (17 CFR 239.26), and 10 (17 CFR 249.210). Forms S–1 and S–7 are used for the registration of securities under the Securities Act of 1933 and Form 10 is used for the registration of securities under the Securities Exchange Act of 1934.

A considerable number of comments were received in regard to the revised proposals and were very helpful to the Commission in reaching a decision on the proposed amendments.

The amendments relate to Item 9 of Form S–1, Item 5 of Form S–7 and Item 3 of Form 10, which require a brief description of the business done and intended to be done by the registrant and its subsidiaries.

Where a registrant and its subsidiaries are engaged in more than one line of business, the amendments require the disclosure for each of a maximum of the last 5 fiscal years subsequent to December 31, 1966, of the approximate amount or percentage of total sales and operating revenues and of contribution to income before income taxes and extraordinary items attributable to each line of business which contributed, during either of the last 2 fiscal years, a certain proportion to (1) the total of sales and revenues, or (2) income before income taxes and extraordinary items. For companies with total sales and revenues over $50 million, the proportion will be 10 percent; for

smaller companies, 15 percent. Similar disclosure is also required with respect to any line of business which resulted in a loss of 10 percent or more (or 15 percent or more for smaller companies) of such income before deduction of losses. Where the percentage test as applied to both sales and earnings contributions results in more than 10 lines of business, the disclosure may be limited to the 10 most important lines. Where it is not practicable to state the contribution to income before income taxes and extraordinary items for any line of business, the contribution to the results of operations most closely approaching such income is to be disclosed.

Various suggestions were made for more specific indications of the meaning of "line of business." However, in view of the numerous ways in which companies are organized to do business, the variety of products and services, the history of predecessor and acquired companies, and the diversity of operating characteristics, such as markets, raw materials, manufacturing processes and competitive conditions, it is not deemed feasible or desirable to be more specific in defining a line of business. Management, because of its familiarity with company structure, is in the most informed position to separate the company into components on a reasonable basis for reporting purposes. Accordingly, discretion is left to the management to devise a reporting pattern appropriate to the particular company's operations and responsive to its organizational concepts.

The amendments continue the existing disclosure requirements on breakdown of total volume of sales and revenues by principal classes of similar products or services, except that the percentage test has been reduced from 15 percent to 10 percent in the case of companies having total sales and revenues in excess of $50 million during either of their last 2 fiscal years. This continued requirement is appropriate in view of the relative freedom given management in determining "line of business." Of course, for a company using classes of similar products or services as its basis for determining lines of business, repetition of the disclosure will be unnecessary. It should also be noted that to the extent such classification is not coincident with the company's determination of its lines of business or where the company is not engaged in more than one line of business, disclosure is limited to proportion of sales and revenues and does not require a showing of contribution to earnings.

There were various comments with respect to the percentage test used in the proposed amendments. The Commission has carefully considered all of these comments and has examined financial data voluntarily furnished by numerous companies in which the information as to contribution of lines of business has been broken down on a basis of less than 15 percent and in some cases on a basis of less than 10 percent. The data indicated that, in the case of many larger multiline companies, a substantial portion of the aggregate business done was represented by lines of business which individually contributed less than 15 percent to the company's aggregate business. The Commission has concluded that in the case of larger companies a breakdown of lines of business on a basis of 10 percent will provide material information regarding a significant portion of the company's aggregate business represented by lines which individually contribute less than 15 percent to its business. With respect to smaller companies, however, the Commission has concluded that a breakdown of lines of business on a basis of 15 percent will provide adequate disclosure. Accordingly it is provided that where the total sales and revenues exceeded $50 million during either of the last 2 fiscal years the 10 percent test shall be used and where they did not exceed that amount the 15 percent test may be used.

Comparable amendments to other disclosure requirements are being deferred pending the completion of consideration of the recently completed study of disclosure under the Securities Exchange Act of 1934.

The foregoing amendments [1] shall be effective with respect to registration statements filed on any of the specified forms on or after August 14, 1969.

Copies of the foregoing release have been filed with the Office of the Federal Register and may be obtained from the Securities and Exchange Commission's Washington headquarters office or any regional office.

By the Commission, July 14, 1969.

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

[F.R. Doc. 69-8622; Filed, July 22, 1969; 8:50 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-358; Order 381]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Area Rate Levels for Natural Gas Sales by Independent Producers; Correction

JULY 10, 1969.

In the order amending § 2.56, rules of practice and procedure, general policy and interpretations under the Natural Gas Act, area rate levels for natural gas sales by independent producers, issued May 20, 1969, and published in the FEDERAL REGISTER (34 F.R. 7904), in Attachment B-1, Table No. 3, under "Rate Area" only, after "Oklahoma" change "Carter-Knox Other Panhandle" to "Panhandle Other Carter-Knox."

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-8563; Filed, July 22, 1969; 8:45 a.m.]

[1] Filed as part of the original document.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 14—CACAO PRODUCTS

Cocoa With Dioctyl Sodium Sulfosuccinate for Manufacturing; Standard of Identity

In the matter of establishing a standard of identity for cocoa with dioctyl sodium sulfosuccinate for manufacturing:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of December 24, 1968 (33 F.R. 19197), based on a petition submitted by the American Cyanamid Co., Fine Chemicals Department, Pearl River, N.Y. 10965.

In response to the notice five comments were received. Three favored the proposal. One opposed it and questioned the effectiveness and safety of dioctyl sodium sulfosuccinate at the level proposed by the petitioner. The fifth comment was submitted by the petitioner as a rebuttal to the unfavorable one.

In consideration of the information submitted in the petition, the comments received, and other information available, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to establish the standard as proposed.

Also published in this issue of the FEDERAL REGISTER is an order (1) amending the food additive regulation concerning dioctyl sodium sulfosuccinate (21 CFR 121.1137) to provide for its safe use as a dispersing agent in "cocoa with dioctyl sodium sulfosuccinate for manufacturing" and (2) establishing a food additive regulation (21 CFR 121.1229) to provide for the safe use of the new food additive "cocoa with dioctyl sodium sulfosuccinate for manufacturing."

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That a new section be added to Part 14, as follows:

§ 14.14 Cocoa with dioctyl sodium sulfosuccinate for manufacturing; identity; label statement of optional ingredients.

(a) Cocoa with dioctyl sodium sulfosuccinate for manufacturing is the food additive complying with the provisions of § 121.1229 of this chapter. It conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for breakfast cocoa by § 14.3, or for cocoa by § 14.4, or low-fat cocoa by § 14.5, except that the food additive contains dioctyl sodium sulfosuccinate (complying with the requirements of § 121.1137 of this chapter including the limit of not more than 0.4

percent by weight of the finished food additive).

(b) The name of the food additive is "cocoa with dioctyl sodium sulfosuccinate for manufacturing" to which is added any modifier of the word "cocoa" required by the definition and standard of identity to which the food additive otherwise conforms. When the food additive is used in a fabricated food, the words "for manufacturing" may be omitted from any declaration of ingredients required under § 1.10 of this chapter.

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

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

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

Dated: July 14, 1969.

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

[F.R. Doc. 69-8570; Filed, July 22, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COCOA WITH DIOCTYL SODIUM SULFOSUCCINATE FOR MANUFACTURING

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6J2039) filed by American Cyanamid Co., Pearl River, N.Y. 10965, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of dioctyl sodium sulfosuccinate as a dispersing agent in "cocoa with dioctyl sodium sulfosuccinate for manufacturing," in accordance with the standard of identity therefor (21 CFR 14.14) promulgated in this issue of the FEDERAL REGISTER. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

1. By adding to § 121.1137 a new paragraph (e), as follows:

§ 121.1137 Dioctyl sodium sulfosuccinate.

* * * * *

(e) As a dispersing agent in "cocoa with dioctyl sodium sulfosuccinate for manufacturing" that conforms to the provisions of § 14.14 of this chapter and the use limitations prescribed in § 121.1229, in an amount not to exceed 0.4 percent by weight thereof.

2. By adding to Subpart D the following new section:

§ 121.1229 Cocoa with dioctyl sodium sulfosuccinate for manufacturing.

The food additive "cocoa with dioctyl sodium sulfosuccinate for manufacturing," conforming to § 14.14 of this chapter and § 121.1137, is used or intended for use as a flavoring substance in dry beverage mixes whereby the amount of dioctyl sodium sulfosuccinate does not exceed 75 parts per million of the finished beverage. The labeling of the dry beverage mix shall bear adequate directions to assure use in compliance with this section.

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

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

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

Dated: July 14, 1969.

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

[F.R. Doc. 69-8569; Filed, July 22, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 138—DRUGS; OFFICIAL NAMES

New Names

A. In the FEDERAL REGISTER of October 11, 1968 (33 F.R. 15219), a notice was published proposing that § 138.2 be amended by adding certain additional items to the list therein as official names for drugs.

Having considered the comments received in response to the proposal, and other relevant information, the Commissioner of Food and Drugs concludes that:

1. The proposed name "hydrocodone" should not be added to § 138.2 since it is already designated in official compendia.

2. The proposed name "oxilapine" should not be adopted at this time pending further study.

3. The balance of the proposal should be adopted with minor technical and editorial changes.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 508, 76 Stat. 1789; 21 U.S.C. 358) and the administrative procedure provisions of 5 U.S.C. 552 (80 Stat. 383, as amended 81 Stat. 54), and under authority delegated to the Commissioner (21 CFR 2.120), § 138.2 is amended by alphabetically inserting in the table the following new items as official names for drugs:

§ 138.2 Drugs; official names.

* * * * *

Official name	Chemical name or description	Molecular formula
* * *	* * *	* * *
Alamecin	An antibiotic substance derived from *Trichoderma viride Pers. ex fries.*	
* * *	* * *	* * *
Azaserine	Serine diazoacetate (ester)	$C_5H_7N_3O_4$
* * *	* * *	* * *
Cephaloridine	1-[[2-Carboxy-8-oxo-7-[2-(2-thienyl)acetamido]-5-thia-1-azabicyclo-[4.2.0]oct-2-en-3-yl]methyl]pyridinium hydroxide, inner salt.	$C_{19}H_{17}N_3O_4S_2$
* * *	* * *	* * *
Chlorprothixene	2-Chloro-*N,N*-dimethylthioxanthene-$\Delta^{9,\gamma}$-propylamine	$C_{18}H_{18}ClNS$
* * *	* * *	* * *
Citenamide	5*H*-Dibenzo[*a,d*]cycloheptene-5-carboxamide	$C_{16}H_{13}NO$
* * *	* * *	* * *
Clodazon	5-Chloro-1-[3-(dimethylamino)propyl]-3-phenyl-2-benzimidazolinone.	$C_{18}H_{20}ClN_3O$
* * *	* * *	* * *
Clomegestone	6-Chloro-17-hydroxy-16α-methylpregna-4,6-diene-3,20-dione	$C_{22}H_{29}ClO_3$
* * *	* * *	* * *
Clopidol	3,5-Dichloro-2,6-dimethyl-4-pyridinol	$C_7H_7Cl_2NO$
* * *	* * *	* * *
Clozapine	8-Chloro-11-(4-methyl-1-piperazinyl)-5*H*-dibenzo[*b,e*][1,4] diazepine.	$C_{18}H_{19}ClN_4$
* * *	* * *	* * *
Dactinomycin	Actinomycin D	$C_{62}H_{86}N_{12}O_{16}$
* * *	* * *	* * *
Decoquinate	Ethyl 6-(decyloxy)-7-ethoxy-4-hydroxy-3-quinolinecarboxylate	$C_{24}H_{39}NO_5$
* * *	* * *	* * *
Dibromsalan	4′,5-Dibromosalicylanilide	$C_{13}H_9Br_2NO_2$
* * *	* * *	* * *
Diphenidol	α,α-Diphenyl-1-piperidinebutanol	$C_{21}H_{27}NO$

Official name	Chemical name or description	Molecular formula
Dipyridamole	2,2',2'',2'''-[(4,8-Dipiperidinopyrimido[5,4-*d*]pyrimidine-2,6-diyl)dinitrilo]tetraethanol.	$C_{24}H_{40}N_8O_4$
Dipyrone	Sodium (antipyrinylmethylamino)methanesulfonate hydrate	$C_{13}H_{16}N_3NaO_4S.H_2O$
Doxapram	1-Ethyl-4-(2-morpholinoethyl)-3,3-diphenyl-2-pyrrolidinone	$C_{24}H_{30}N_2O_2$
Ethoxazene	4-[(*p*-Ethoxyphenyl)azo]-*m*-phenylenediamine	$C_{14}H_{16}N_4O$
Fluroxene	2,2,2-Trifluoroethyl vinyl ether	$C_4H_5F_3O$
Isoetharine	3,4-Dihydroxy-α-[1-(isopropylamino)propyl]benzyl alcohol	$C_{13}H_{21}NO_3$
Magaldrate	Tetrakis (hydroxymagnesium) decahydroxydialuminate dihydrate	$Al_2H_{14}Mg_4O_{14}\cdot 2H_2O$
Metabromsalan	3,5-Dibromosalicylanilide	$C_{13}H_9Br_2NO_2$
Midaflur	4-Amino-2,2,5,5-tetrakis(trifluoromethyl)-3-imidazoline	$C_7H_5F_{12}N_3$
Nequinate	3-Acetoxy-6-butyl-7-benzyloxy-4-oxoquinoline	$C_{22}H_{23}NO_4$
Norgestrel	(+)-13-Ethyl-17-hydroxy-18,19-dinor-17α-pregn-4-en-20-yn-3-one	$C_{21}H_{28}O_2$
Oxandrolone	17β-Hydroxy-17-methyl-2-oxa-5α-androstan-3-one	$C_{19}H_{30}O_3$
Oxethazaine	2,2'[(2-Hydroxyethyl)imino]-bis[*N*-(α,α-dimethylphenethyl)-*N*-methylacetamide].	$C_{34}H_{51}N_3O_3$
Oxymetazoline	6-*tert*-Butyl-3-(2-imidazolin-2-ylmethyl)-2,4-dimtehylphenol	$C_{16}H_{24}N_2O$
Pancrelipase	A concentrate of pancreatic enzymes standardized for lipase content.	
Paramethasone	6α-Fluoro-11β,17,21-trihydroxy-16α-methylpregna-1,4-diene-3,20-dione.	$C_{22}H_{29}FO_5$
Phenyramidol	α-[(2-Pyridylamino)methyl] benzyl alcohol	$C_{13}H_{14}N_2O$
Pipazethate	2-(2-Piperidinoethoxy)ethyl 10*H*-pyrido[3,2-*b*] [1,4]benzothiazine-10-carboxylate.	$C_{23}H_{29}N_3O_3S$
Poldine	2-(Hydroxymethyl)-1,1-dimethylpyrrolidinium benzilate	$C_{22}H_{28}NO_3$
Pralidoxime	2-Formyl-1-methylpyridinium oxime	$C_7H_9N_2O$
Prilocaine	2-(Propylamino)-*o*-propionotoluidide	$C_{13}H_{20}N_2O$
Protriptyline	*N*-Methyl-5*H*-dibenzo[*a*,*d*]cycloheptene-5-propylamine	$C_{19}H_{21}N$
Simethicone	A mixture of dimethyl polysiloxanes and silica gel	
Stanozolol	17-Methyl-5α-androstano[3,2-*c*]pyrazol-17β-ol	$C_{21}H_{32}N_2O$
Sulpiride	*N*-[(1-Ethyl-2-pyrrolidinyl)methyl]-5-sulfamoyl-*o*-anisamide	$C_{15}H_{23}N_3O_4S$
Thiothixene	*N*,*N*-Dimethyl-9-[3-(4-methyl-1-piperazinyl)propylidene]thioxanthene-2-sulfonamide.	$C_{23}H_{29}N_3O_2S_2$
Tolnaftate	*O*-2-Naphthyl *m*,*N*-dimethylthiocarbanilate	$C_{19}H_{17}NOS$
Tribromsalan	3,4',5-Tribromosalicylanilide	$C_{13}H_6Br_3NO_2$
Vinblastine	An alkaloid (vincaleukoblastine) extracted from *Vinca roseа*	$C_{46}H_{58}N_4O_9$

B. An order was published in the FEDERAL REGISTER of April 3, 1969 (34 F.R. 6043), adding certain items to § 138.2 as official names for drugs. Included in that order were the items "panthenol" and "pentazocine," and, to correct inadvertent omissions, the chemical names set forth for these two items are hereby changed by adding to each the prefix "(±)".

Effective date. This order shall become effective 30 days after its publication in the FEDERAL REGISTER.

(Sec. 508, 76 Stat. 1789; 21 U.S.C. 358)

Dated: July 11, 1969.

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

[F.R. Doc. 69-8558; Filed, July 22, 1969; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Certain Purchases Abroad of Articles for Personal Use or as Gifts

The Foreign Assets Control Regulations are being amended by the addition of § 500.540 to authorize the purchase abroad and importation as accompanied baggage of limited quantities of Chinese or Chinese-type goods for noncommercial purposes.

Section 500.540 is hereby added to the regulations in this part which section shall read as follows:

§ 500.540 Certain purchases abroad of articles for personal use or as gifts.

(a) Except as provided in paragraph (b) of this section, persons outside the United States are authorized to purchase abroad and import as accompanied baggage merchandise subject to § 500.204, provided that:

(1) Such purchases and imports by any person do not exceed a total of $100 in any calendar month;

(2) Purchases are for personal use or as gifts, are in noncommercial quantities, and are not for resale; and

(3) Payment is made in foreign currency or by travelers' check.

(b) This section does not authorize any purchase or import of merchandise of North Korean or North Vietnamese origin.

(c) Customs transactions incident to the importation of merchandise purchased and being imported in compliance with this section are authorized, notwithstanding the provisions of § 500.808.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 68-8747; Filed, July 22, 1969; 11:26 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1029-A]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co. Authorized To Operate Over Tracks of Penn Central Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of July 1969.

Upon further consideration of Service Order No. 1029 and good cause appearing therefor:

It is ordered, That:

Section 1033.1029 *Service Order No. 1029* (Delaware and Hudson Railway Co. authorized to operate over tracks of Penn Central Co.) be, and it is hereby, vacated and set aside.

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

It is further ordered, That this order shall become effective at 11:59 p.m., July 15, 1969; that copies of this order

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

By the Commission, Railroad Service Board.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8603; Filed, July 22, 1969; 8:48 a.m.]

[S.O. 1032]

PART 1033—CAR SERVICE

Great Northern Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of July 1969.

It appearing, that because of track damage from flooding, the Chicago, Rock Island and Pacific Railroad Co. is unable to serve shippers located on its line at Pipestone, Minn.; that the Great Northern Railway Co. has agreed to serve industries located on the Chicago, Rock Island and Pacific Railroad Co. at Pipestone, Minn.; that the Commission is of the opinion that operation by the Great Northern Railway Co. over tracks of the Chicago, Rock Island and Pacific Railroad Co. at Pipestone, Minn., is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1032 Service Order No. 1032.

(a) *Great Northern Railway Co. authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Co.* The Great Northern Railway Co. be, and it is hereby, authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Co. at Pipestone, Minn.

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

(c) *Rates applicable.* Inasmuch as this operation by the Great Northern Railway Co. over tracks of the Chicago, Rock Island and Pacific Railroad Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Great Northern Railway Co. over these tracks of the Chicago, Rock Island and Pacific Railroad Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., July 16, 1969.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8604; Filed, July 22, 1969; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 33—SPORT FISHING

Catahoula National Wildlife Refuge, La.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), 50 CFR 33.4 is amended to add the Catahoula National Wildlife Refuge, La., to the list of areas open to sport fishing, as legislatively permitted.

Since this amendment benefits the public by relieving existing restrictions on fishing, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i as amended; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd)

Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

LOUISIANA

* * * * *

Catahoula National Wildlife Refuge.

* * * * *

J. P. LINDUSKA,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 16, 1969.

[F.R. Doc. 69-8621; Filed, July 22, 1969, 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

PEARS FOR CANNING

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Pears for Canning (7 CFR 51.1345–51.1359). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than August 15, 1969, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

Statement of considerations leading to the proposed revision of the grade standards. The U.S. Standards for Pears for Canning have been in effect since June 12, 1939. They were published in the FEDERAL REGISTER in August 1951. Extensive descriptive material concerning the application of the standards was deleted at that time. However, this material may still be found in mimeographed copies of the grade standards which have been distributed.

These standards are seldom used by the canning pear industry, which prefers contract specifications which may be quickly changed to meet specific conditions. However, they are used to some extent by exporters of pears to be used for processing purposes. The Export Apple and Pear Act requires pears for export, except small exempted lots, to at least meet either the U.S. No. 2 grade for pears for fresh market or, if destined for processing, the U.S. No. 1 grade for pears for canning. The latter grade does not provide tolerances for defects and off-size. Without tolerances, a shipment would have to be 100 percent free from scorable defects to meet the requirements of the U.S. No. 1 grade for pears for canning. In the customary application of these standards to determine the percentages of U.S. No. 1, U.S. No. 2 and cull pears in a lot, there is no need for tolerances. However, when a lot of pears must meet the requirements of one specified grade, tolerances for defects are necessary. Without tolerances, a shipment would have to be 100 percent free from scorable defects to meet the requirements of the U.S. No. 1 grade for pears for canning. Application of the standards on this basis has proven impractical. Tolerances should be incorporated as proposed in this revision so that these standards will be practical for use in the certification of shipments of pears exported for processing purposes.

Early in 1969, a study draft containing suggestions for several changes in these grade standards was prepared and distributed to representatives of the pear industry. Suggested changes included revised definitions and requirements and additional grades, as well as providing tolerances. Comments received concerning the study draft were generally adverse, but there was no specific objection to the suggested tolerances. Consequently the only important change now proposed is the essential one to provide tolerances.

The proposed revision would include the following changes:

(1) The title of the standards would be changed from U.S. Standards for Pears for Canning to U.S. Standards for Pears for Processing. This would remove any question as to the applicability of the standards to pears used in all processing methods.

(2) Tolerances for defective and off-size pears would be provided for use in determining whether or not a lot of pears meets a specified grade.

(3) Minor changes in wording would be made in the interest of clarity.

The proposed standards, as revised, are as follows:

GENERAL

Sec.
51.1345 General.

GRADES

51.1346 U.S. No. 1.
51.1347 U.S. No. 2.

CULLS

51.1348 Culls.

SIZE

51.1349 Size.

APPLICATION OF STANDARDS

51.1350 Application of standards.

DEFINITIONS

51.1351 Mature.
51.1352 Handpicked.
51.1353 Firm.
51.1354 Well formed.
51.1355 Damage.
51.1356 Pears grown from late blooms.
51.1357 Seriously deformed.
51.1358 Serious damage.
51.1359 Diameter.

AUTHORITY: The privisions of this subpart issued under sec. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.1345 General.

All percentages shall be calculated on the basis of weight.

GRADES

§ 51.1346 U.S. No. 1.

"U.S. No. 1" shall consist of pears of one variety which are mature, handpicked, firm, well formed, free from scald, hard end, black end, internal breakdown, decay, worms and worm holes and from damage caused by broken skins, limbrubs, sprayburn, sunburn, scab, russeting, bruises, hail, frost, drought spot, disease, insects, mechanical or other means. Unless otherwise specified, the pears grown from late blooms shall not yellowish green. Tree-ripened pears and pears grown from late blooms shall not be considered as meeting the requirements of this grade. (See § 51.1349).

§ 51.1347 U.S. No. 2.

"U.S. No. 2" shall consist of pears of one variety which are mature, handpicked, firm, not seriously deformed, free from scald, hard end, black end, internal breakdown, decay, worms and wormholes, and free from serious damage by any other cause. Unless otherwise specified, the pears shall not be further advanced than yellowish green. Tree-ripened pears and pears grown from late blooms shall not be considered as meeting the requirements of this grade. (See § 51.1349.)

CULLS

§ 51.1348 Culls.

"Culls" are pears which do not meet the requirements of either of the foregoing grades.

SIZE

§ 51.1349 Size.

Size may be specified in connection with a grade by agreement between buyer and seller and stated in terms of minimum diameter or minimum and maximum diameters. Diameters shall be specified in inches and not less than eighth-inch fractions thereof. In addition, size may be stated in terms of ratio of length to diameter.

APPLICATION OF STANDARDS

§ 51.1350 Application of standards.

In the application of these standards to determine the percentage of the lot

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

which meets the requirements of the U.S. No. 1 or U.S. No. 2 grades, tolerances shall not apply.

(a) *Tolerances.* When a lot of pears is required to meet one of the U.S. grades, the following tolerances, by weight, shall apply:

(1) *For defects.* 10 percent for pears which fail to meet the requirements of the grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

(i) 2 percent for pears which are affected by decay.

(ii) 5 percent for pears which are infested by worms or have wormholes.

(2) *For off-size.* 5 percent for pears which are smaller than any specified minimum size, and 10 percent for pears larger than any specified maximum size.

DEFINITIONS

§ 51.1351 Mature.

"Mature" means that the pear has reached the stage of maturtiy which will insure the proper completion of the ripening process.

§ 51.1352 Handpicked.

"Handpicked" means that the pears do not show evidence of having been on the ground.

§ 51.1353 Firm.

"Firm" means that the pear is fairly solid and yields only very slightly to moderate pressure, and is not wilted, shriveled, rubbery, or flabby.

§ 51.1354 Well formed.

"Well formed" means that the pear has the shape characteristic of the variety, so that after paring, cutting in halves, and coring, each half of the pear shall be well formed. Bartlett pears shall have at least a fairly well developed neck.

§ 51.1355 Damage.

"Damage" means any injury or defect which materially affects the canning quality of the fruit. After paring, cutting in halves, and coring, each half of the pear shall be well formed or the pear is considered damaged. Pears showing surface blemishes shall be considered damaged when the injury cannot be completely removed in the ordinary processes of paring for commercial use.

§ 51.1356 Pears grown from late blooms.

"Pears grown from late blooms." Such pears often have excessively long stems (commonly termed "rat tails"), or may be misshapen or slightly rough. Such pears do not ripen properly for ordinary canning use.

§ 51.1357 Seriously deformed.

"Seriously deformed" means that the pear is so badly misshapen as to cause a loss during the usual commercial preparation for use of over 20 percent, by weight, of the pear in excess of that which would occur if the pear were well formed. Round or apple-shaped pears shall not be considered seriously deformed.

§ 51.1358 Serious damage.

"Serious damage" means any injury or defect which cannot be removed during the usual commercial preparation for use without a loss of over 20 percent, by weight, of the pear in excess of that which would occur if the pear were not defective.

§ 15.1359 Diameter.

"Diameter" means the greatest dimension of the pear taken at right angles to a line running from the stem to the blossom end.

Dated: July 17, 1969.

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

[F.R. Doc. 69-8610; Filed, July 22, 1969; 8:49 a.m.]

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Handling

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; §§ 908.100–908.142; 33 F.R. 3167) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of said rules and regulations was proposed by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The proposed amendment would (1) provide that whenever a time of day is specified in the rules and regulations it shall mean the local time in effect at committee headquarters; (2) set forth the committee's current mailing address; (3) reduce the number of committee members representing cooperatives handling less than 50 percent of the oranges and change nomination procedures to conform with the amended marketing agreement and order provisions; (4) provide that the committee's recommendations for volume regulation for each prorate district shall reflect that district's percentage of the tree crop in the production area; (5) specify conditions for loan transactions arranged by handlers and by the committee; (6) delete § 908.103 because the provisions thereof are being incorporated into the amendment of § 908.102 or are otherwise covered by § 908.23; (7) specify what information applicants for short-life allotment shall furnish to the committee; (8) prescribe procedures for bona fide and timely offers to lend general maturity allotments and for allocating forfeited allotment to handlers; (9) include provisions for allocations to, and transfers between, handlers of freeze damage allotment; and (10) change the conversion factor provisions.

The proposed amendments are as follows:

1. Add a new paragraph (g) to § 908.100 *Definitions* to read as follows:

§ 908.100 Definitions.

* * * * *

(g) Whenever a time of day is specified in this subpart, it shall mean local time in effect at the headquarters of the committee in Los Angeles, Calif.

§ 908.101 [Amended]

2. Amend the provisions of § 908.101 *Communications* following the colon to read as follows:

Valencia Orange Administrative Committee, 117 West Ninth Street, Room 913, Los Angeles, Calif. 90015.

3. Amend the provisions of subparagraphs (2) and (3) of paragraph (a) of § 908.102 *Nomination procedure to read* as follows:

§ 908.102 Nomination procedure.

(a) * * *

(2) All cooperative marketing organizations which are not qualified to nominate members and alternate members pursuant to § 908.22(b), or the growers affiliated therewith, shall nominate members and alternate members as provided in § 908.22(c). The vote of each such organization shall be weighted, as provided in § 908.22(e), by the quantity of oranges which it handled during the marketing year in which the nominations are made.

(3) Not less than seven meetings shall be held at such times and places throughout the production area as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included under subparagraphs (1) and (2) of this paragraph may vote. At each such meeting, the growers present shall nominate members and alternate members as provided in § 908.22(d). The number of ballots to be cast in selecting the nominees at any such meeting shall be determined at that meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

* * * * *

§ 908.103 [Deleted]

4. Delete § 908.103.

§ 908.108 [Redesignated]

5. Redesignate § 908.110 as § 908.108.

6. Add a new § 908.110 *Equity of marketing opportunity* to read as follows:

§ 908.110 Equity of marketing opportunity.

Equity of marketing opportunity between districts shall be afforded by the following procedure:

(a) The committee shall establish an equity factor which is the same for all prorate districts. The equity factor shall be stated as a percentage of the tree crop in each district and shall reflect the committee's objective as to the quantity of oranges (grown in each district) for which there will be marketing opportunity under volume regulation during the ensuing season.

(b) At the marketing policy meeting for each prorate district the committee shall formulate, for the ensuing season, a weekly handling schedule to reflect the district's desired weekly handlings that will comprise the total quantity of oranges (grown in that district) that may be handled under volume regulation, such total being the amount established by application of the equity factor. Each such schedule for a prorate district shall cover a seasonal period as determined by the committee to be appropriate for that district. Prior to any marketing policy meeting for a prorate district the committee may consult with producers and handlers of oranges grown in that district regarding formulation of the weekly handling schedule for that district.

(c) Following the marketing policy meetings for all districts the committee may review and make equitable modifications as it deems advisable in the equity factor and weekly handling schedules.

(d) The committee shall combine into a weekly total the quantities of oranges that each district desires to handle each week, as shown on the weekly handling schedules. The weekly quantity shown on the applicable schedule for a district shall be converted into a percentage of the said weekly total. This percentage shall be known as the percentage allocation to such district.

(e) Unless otherwise provided in § 908.117, the committee shall base its recommendation each week (pursuant to § 908.51(a)) to the Secretary as to the respective quantities of oranges that should be handled in the prorate districts, upon the percentage allocations for such districts for such week except that prior to the reaching of general maturity in a district the quantity of oranges for such district shall be in an amount equal to the total early maturity allotments approved by the committee for that district pursuant to § 908.60.

(f) The committee shall make such adjustments as it deems advisable in the equity factor, the weekly handling schedules, and the percentage allocations to prorate districts, so as to reflect changing crop or market conditions. Appropriate adjustments shall be made in the schedules and percentage allocations as soon as possible after a change in the estimated tree crop of any prorate district. Whenever the committee ascertains that a prorate district would have oranges (grown in that district) remaining for handling, under volume regulation at the end of the schedule for that district, the committee may (1) adjust the equity factor upward with corresponding changes in the weekly handling schedules for all districts or (2) adjust the schedules for all districts by adding thereto the difference between the aggregate quantity of oranges listed on the weekly handling schedule for that district during all of the preceding weeks and the sum of the aggregate quantity of oranges (grown in that district) fixed by the Secretary for handling under general maturity, early maturity, and freeze damage allotments during such preceding weeks of regulation plus the aggregate quantity of oranges (grown in that district) that were handled when no such regulation was in effect. Adjustments in the weekly handling schedules for each of the prorate districts may be made by adding weeks to or deleting weeks from the schedule and, if deemed advisable, by proportionate modification of the desired handlings shown thereon for the remaining weeks of the reason or any portion thereof.

(g) The committee shall calculate each season as soon as it is feasible, an estimated percentage of the total tree crop in the production area that will be handled under volume regulation and prepare a schedule of estimated weekly handlings based thereon, reflecting the judgment of the committee as to the quantity of oranges that will be handled under volume regulation, taking into account the purposes of the act.

7. Revise the provisions of § 908.111 *Allotment loans* by inserting new paragraphs (c) and (e) as hereinafter set forth and revising paragraph (d) by changing the term "5 p.m." to read as "4:30 p.m.":

§ 908.111 Allotment loans.

* * * * *

(c) *Loans arranged by the committee.* The committee shall arrange loans for handlers subject to paragraphs (a) and (b) of this section and, to the extent practicable, in accordance with the following:

(1) Except as otherwise provided in subparagraph (3)(iii) of this paragraph (c), the committee shall consider offers to loan and requests to borrow received prior to 12 o'clock noon Monday separately from offers and requests received thereafter during the week.

(2) Each handler offering allotment for loan shall specify at least two payback dates. To receive a loan of any such allotment, or portion thereof, offered, the payback date specified by the requesting handler must be the same as one of the repayment dates specified by the offering handler.

(3) Loan offers and requests received by the committee prior to 12 o'clock noon Monday shall be applied first to the arrangement of loans between handlers within the same prorate district in accordance with the following provisions:

(i) If requests from handlers, in a prorate district, for general maturity allotment exceed the quantity offered by handlers in that district, the quantity offered shall be apportioned to each borrowing handler so that the amount he receives bears the same ratio to the total amount received by all borrowing handlers as the amount he requested bears to the total amount requested by all borrowing handlers. If the quantity of general maturity allotment offered in any prorate district exceeds the quantity requested in that district, the same proportion of each offering handler's allotment shall be loaned; and any surplus general maturity allotment from such prorate district shall be apportioned, as aforesaid, to fill requests from borrowing handlers in all other prorate districts.

(ii) If requests from handlers, in a prorate district, for short-life allotment exceed the quantity offered by handlers in that district, the quantity offered shall be apportioned to each borrowing handler so that the amount he receives bears the same ratio to the total amount received by all borrowing handlers as the amount he requested bears to the total amount requested by all borrowing handlers. If the quantity of short-life allotment offered in a prorate district exceeds the quantity requested in that district, the same proportion of each lending handler's allotment shall be loaned.

(iii) Such loan offers and requests may be modified or withdrawn any time prior to 12 o'clock noon Monday, after which time the committee shall arrange allotment loans on the basis of the offers and requests including modifications thereof, then pending without further action by the handlers involved. Loan offers and requests not fully utilized in such allotment loan arrangements may be modified or withdrawn.

(4) Offers to loan allotment received by the committee at, or subsequent to, 12 o'clock noon Monday shall be applied first to the arrangement of loans to handlers within the same prorate district whose requests were received prior to such time, but had not been completely filled. Any remaining allotment shall then be applied to the arrangement of loans to handlers within that district to fill any requests as thereafter received. Allotment loan offers received from handlers in a prorate district at, or subsequent to, 12 o'clock noon Monday and for which there are no requests by handlers in that district may be applied by the committee to the arrangement of loans to fill requests from handlers in other prorate districts. If the total allotment offered for loan in the same prorate district exceeds total requests in such district, the same proportion of each lending handler's allotment shall be loaned. If the requests exceed such total allotment, each request shall be filled in the same proportion as the amount requested bears to the total amount requested.

(i) Offers to loan, and requests to borrow, allotment received at, or subsequent to, 12 o'clock noon Monday may be modified or withdrawn: *Provided*, That allotment loan arrangements with respect to such offered allotment have not been completed by the committee.

(5) Offers to loan, and requests for, allotment may be made in person, by telephone, or telegram, or in writing. Immediately after completing arrangements for a loan the committee shall confirm the terms thereof by mailing VOAC Form 6 Confirmation of Allotment Loan to the handlers involved.

* * * * *

(e) Whenever any Monday herein specified falls on a legal holiday, the next following business day shall be applicable.

8. Revise the second sentence of paragraph (b) of § 908.114 *Short-life allotments* to read as follows:

§ 908.114 Short-life allotments.

* * * * *

(b) *Application to be filed.* * * * The application shall contain the following information: Name and address of applicant; location of each grove producing short-life oranges; a record covering the maximum years available, but not in excess of the 10 immediately preceding years, showing the marketing period of the oranges covered by the application; a suggested shortened marketing season showing the final date when the short-life oranges covered by the application should be marketed; and, a showing satisfactory to the committee why the oranges controlled by the application cannot be marketed during the normal marketing period for the applicable district through appropriate adjustments in the handler's packinghouse operations.

9. Add a new § 908.116 *Credit forfeitures* reading as follows:

§ 908.116 Credit forfeitures.

The forfeiture of any handler's general maturity allotment that was neither used nor loaned to another handler shall be applied to reduce overshipments of handlers as provided in § 908.55 unless the forfeiting handler made a bona fide and timely offer to the committee to lend his undershipment. An offer shall be considered bona fide and timely if such offer (a) was received in the office of the committee by 12 o'clock noon Monday, or the next following business day if Monday is a legal holiday, and (b) contained at least two alternate payback dates. All short-life allotment that is forfeited shall be applied to reduce overshipments of handlers as provided in § 908.55.

10. Add a new § 908.117 *Freeze damage allotments* to read as follows:

§ 908.117 Freeze damage allotments.

(a) At least 6 days before any meeting held by the committee to consider the quantity of allotments to be issued in any one or more prorate districts pursuant to § 908.61a, the committee shall mail written notice to handlers in such districts of its intention advising handlers that applications for such allotments shall be filed with the committee as hereinafter provided.

(b) Whenever freeze damage allotments are to be issued in a prorate district pursuant to § 908.61a on the basis of requests by handlers, the committee shall determine on the basis of all available information and after consideration of all of the factors enumerated in § 908.51(b), the extent to which freeze damage allotments should be granted in such district.

(c) Any handler who desires to receive freeze damage allotment shall request such allotment in person, or by telephone, telegram, or by filing VOAC Form 35 on or before 12 o'clock noon of the day preceding the regular weekly meeting of the committee. Such requests may be made at any of the offices of the committee. VOAC Form 35 shall contain (1) the name and address of the handler, (2) the week for which the application is made, (3) the amount of freeze damage allotment requested, and (4) the signature of the handler or authorized representative. All requests not made by a properly completed VOAC Form 35 shall be confirmed by delivering to the committee at any of its offices, not later than the day preceding the committee's regular weekly meeting, a properly completed VOAC Form 35 or by mailing a properly completed form to the committee not later than the day preceding the committee's regular weekly meeting.

(d) Whenever the total amount of freeze damage allotment the committee determines should be granted to handlers within a prorate district equals or is larger than the total amount applied for in such district, the full amount applied for in each application shall be granted. Whenever the total amount applied for exceeds the total amount of freeze damage allotment the committee deems should be granted in the district, the request of each handler in such district shall be granted in the same proportion as the handler's tree crop bears to the total tree crop for that district, but not in excess of the amount requested, and any allotment then remaining shall be granted in successive increments, as necessary, to handlers filing requests, in proportion to the tree crop controlled by each, but not in excess of the amount requested.

(e) Any handler to whom freeze damage allotment is issued may transfer such allotment, or portion thereof, to another such handler in the same prorate district; and such handlers shall notify the committee of such transfer on or before 12 o'clock noon Friday, or the following business day if Friday is a legal holiday, of the week following the one for which such allotment was issued. Such notification shall show names of the parties, the amount of the allotment transferred, and the week thereof.

(f) Any handler to whom freeze damage allotment is issued and who desires transfer of freeze damage allotment from or to other such handlers within another prorate district shall so notify the committee in person, by telephone, or telegram, or in writing by 12 o'clock noon Wednesday of the week for which the allotment was issued, or by 12 o'clock noon of the preceding day if Wednesday is a legal holiday. The committee shall endeavor to effect a transfer of allotment and shall confirm each such transfer to the handlers involved. In the event the total amount of the allotment available for transfer is less than the total amount requested, the committee shall transfer the available allotment to the requesting handlers in proportion to the amount requested by each.

§ 908.139 [Amended]

11. In § 908.139 *Conversion factors*, delete "40" from the second sentence and insert in lieu thereof "37½".

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 17, 1969.

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

[F.R. Doc. 69-8611; Filed, July 22, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141c, 146c, 148n]

ANTIBIOTIC DRUGS; TETRACYCLINE-TYPE PRODUCTS

Sterility Test

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that to improve the sterility test for certain tetracycline-type products Parts 141c, 146c, and 148n be amended:

1. By revising § 141c.201(b) to read as follows:

§ 141c.201 Chlortetracycline hydrochloride.

* * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

* * * * *

2. By revising § 141c.206(c) to read as follows:

§ 141c.206 Chlortetracycline ophthalmic; tetracycline hydrochloride ophthalmic.

* * * * *

(c) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

* * * * *

3. By revising § 141c.221(b) to read as follows:

§ 141c.221 Tetracycline hydrochloride for intramuscular use; tetracycline phosphate complex for intramuscular use.

* * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except that if the product contains tetracycline hydrochloride use diluting fluid D in lieu of diluting fluid A, or if the product contains tetracycline phosphate complex use 50 milligrams in lieu of 300 milligrams.

* * * * *

4. By revising § 141c.235(b) to read as follows:

§ 141c.235 Tetracycline hydrochloride-oleandomycin phosphate for aqueous injection.

* * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

* * * * *

5. By revising § 141c.249(b) to read as follows:

§ 141c.249 Rolitetracycline for intravenous use.

* * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

* * * * *

6. By revising § 141c.250(b) to read as follows:

§ 141c.250 Rolitetracycline for intramuscular use.

* * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

* * * * *

7. By revising § 146c.201(d)(3)(ii) to read as follows:

§ 146c.201 Chlortetracycline hydrochloride (chlortetracycline hydrochloride salt).

* * * * *

(d) * * *

(3) * * *

(ii) For sterility testing: 20 packages, each containing approximately 300 milligrams.

* * * * *

8. By revising § 148n.1(a)(3)(ii) (*b*) and (b)(2) to read as follows:

§ 148n.1 Oxytetracycline.

(a) * * *

(3) * * *

(ii) * * *

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

* * * * *

(b) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

* * * * *

9. By revising § 148n.2(a)(3)(ii) (*b*) and (b)(2) to read as follows:

§ 148n.2 Oxytetracycline hydrochloride.

(a) * * *

(3) * * *

(ii) * * *

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

* * * * *

(b) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

* * * * *

10. By revising § 148n.11(b)(2) to read as follows:

§ 148n.11 Oxytetracycline hydrochloride for injection.

* * * * *

(b) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

* * * * *

11. By revising § 148n.17(b)(2) to read as follows:

§ 148n.17 Ophthalmic oxytetracycline hydrochloride.

* * * * *

(b) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

* * * * *

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

Dated: July 11, 1969.

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

[F.R. Doc. 69-8571; Filed, July 22, 1969; 8:46 a.m.]

Public Health Service

[42 CFR Part 81]

PUGET SOUND INTRASTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Puget Sound Intrastate Air Quality Control Region (Washington) as set forth in the following new § 81.32 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Washington and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Federal Court House, Circuit Court Room, Eighth floor, 1010 Fifth Avenue, Seattle, Wash., beginning at 10 a.m., August 5, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.32 is proposed to be added to read as follows:

§ 81.32 Puget Sound Intrastate Air Quality Control Region.

The Puget Sound Intrastate Air Quality Control Region (Washington) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Washington:
King County.
Pierce County.
Snohomish County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: July 16, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-8595; Filed, July 22, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-31]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the Russell, Kans., transition area.

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

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

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

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

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

RUSSELL, KANS.

That airspace extending upward from 700 feet above the surface within 2½ miles each side of the Hays, Kans., VORTAC 086° radial, extending from a 5-mile radius circle centered on the Russell Municipal Airport (latitude 38°52'20" N., longitude 98°48'45" W.) to 19 miles east of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles north and 9½ miles south of the Hays VORTAC 086° radial extending from 1 mile to 29 miles east of the VORTAC, excluding the portion which overlies the Hays, Kans., transition area.

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

Issued in Kansas City, Mo., on July 3, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8586; Filed, July 22, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-77]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Hilton Head Island, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

The Hilton Head Island transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hilton Head Airport.

The proposed transition area is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Hilton Head Airport, utilizing the Savannah, Ga., VORTAC, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on July 14, 1969.

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

[F.R. Doc. 69-8588; Filed, July 22, 1969; 8:47 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69-EA-77]

JET ROUTE SEGMENTS

Proposed Designation and Revocation

The Federal Aviation Administration (FAA) is considering amendments to Part 75 of the Federal Aviation Regulation that would designate segments of Jet Route No. 547 from Peck, Mich., to Northbrook, Ill., and from Buffalo, N.Y., to Kennebunk, Maine; and revoke the segment of Jet Route No. 82 between Albany, N.Y., and Boston, Mass.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

The FAA is considering the following airspace proposals:

1. Designate segments of J-547 from Peck, via Pullman, Mich., to Northbrook; and from Buffalo via Syracuse, N.Y.; intersection of Syracuse 094° T (105° M)

and Albany, N.Y. 058° T (071° M) radials, to Kennebunk. These extensions of J–547 would provide a one-number route for traffic operating along the high altitude preferred route between Boston and Chicago. This proposed segment between Buffalo and Kennebunk would also provide route continuity for traffic proceeding to the west from Pease AFB and the Portland, Maine, airports.

2. Revoke J–82 segment between Albany and Boston. This segment is no longer required by air traffic. The latest FAA peak-day air traffic survey showed only five aircraft movements on this segment of J–82. High altitude traffic departing Boston terminal area for western terminals will be cleared via the Merrimack Standard Instrument Departure Route to Syracuse and then routed via the proposed segment of J–547, thus obviating the retention of the segment of J–82 between Albany and Boston.

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

Issued in Washington, D.C., on July 15, 1969.

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

[F.R. Doc. 69-8587; Filed, July 22, 1969; 8:47 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-27; Notice 69-19]

TRANSPORTATION OF HAZARDOUS MATERIALS

Reuse of Spec. 17 Series Steel Drums

The Hazardous Materials Regulations Board is considering amending § 173.28 of the Department's Hazardous Materials Regulations to specify the standards which must be met in order for shippers to reuse certain DOT specification 17-series drums for the shipment of specified classes of hazardous materials.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before September 23, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

A review of reports of incidents involving leaking steel drums has revealed that many of the "leakers" reported upon were "single-trip" specification 17-series drums that had been reconditioned or repaired and reused. Followup investigations on several incidents and inspections of drum reconditioning facilities have revealed that such operations do not always produce reconditioned drums which would be of such a quality as to lend themselves to compatibility with established minimum safety standards for new drums. Yet, the reconditioned drums are used under essentially the same transportation conditions as new drums. Deficiencies noted included attempts to repair badly damaged drums, removal of perent metal of a drum during reconditioning with resultant unacceptable reduction in wall thickness, and inadequate inspection and testing of the reconditioned drums prior to reuse for the shipment of hazardous materials.

The Department's regulations now provide that single-trip drums may be reconditioned and reused only under conditions approved by the Bureau of Explosives of the Association of American Railroads. The regulations do not prescribe standards against which the reconditioning operations might be evaluated. The Board believes that it is the responsibility of Government to clearly set forth safety standards which it expects industry to meet.

This proposal would amend § 173.28 (h) and add paragraphs (m) and (n) to prescribe the conditions under which single-trip drums may be reused for shipment of certain hazardous materials. General requirements for cleaning, reconditioning, inspection, and testing of drums are proposed. A drum marking system is proposed which would include identification of the drum reconditioner through a DOT code number. Procedures would also be prescribed for drum alteration in a new § 173.28(n).

In consideration of the foregoing, it is proposed to make the following amendment to the hazardous materials regulations:

In § 173.28 paragraph (h) would be amended; paragraphs (m) and (n) would be added to read as follows:

§ 173.28 **Reuse of containers.**

* * * * *

(h) Except as provided in paragraphs (m) and (n) of this section, single-trip containers made under specifications prescribed in Part 178 of this chapter, from which contents have once been removed following use for shipment of any material, must not be used thereafter for shipment of hazardous materials.

* * * * *

(m) Specs. 17C, 17E, and 17H steel drums (§§ 178.115, 178.116, 178.118 of this chapter), from which contents have been removed following use for transportation or storage of any article, may be reused as packagings for shipments of flammable liquids having flash points above 20° F., flammable solids, oxidizing materials, and radioactive materials, as prescribed in this part: *Provided*, That the following requirements, in addition to the other requirements of this section, are complied with prior to each reuse.

(1) Each drum must be thoroughly cleaned to remove all residues and foreign matter, inspected for deterioration or defects, and returned to its original shape and contour. Any drum which shows evidence of deterioration (e.g., visible pitting or significant reduction in parent metal thickness from rust, corrosion, or cleaning processes), metal fatigue, or other material defects, or which cannot be returned to its original shape and contour must not be certified for reuse. All closure devices must be removed (if removable), inspected for defects, and replaced as necessary. All gaskets and nonmetal plugs or other closure parts must be replaced, including openhead cover gaskets.

(2) The entire surface of each drum must be tested by constant interior air pressure while either completely immersed under water or completely covered with soap suds or oil. The air pressure must be maintained for a period of time sufficient to permit a complete inspection for leaks. The minimum air pressure for the test must be as follows:

Specification No.	Capacity	Minimum test pressure p.s.i.
17C	All	15
17E	Over 12 gallons	7
	12 gallons or less	5
17H	Over 12 gallons	7
	12 gallons or less	5

If leaking, the drum must not be reused or certified for reuse. Repairs are not authorized.

(3) All previous test markings, commodity identification markings, and labels must be removed.

(4) Marking:

(i) The outside of each drum must be marked on the body within 10 inches of the top head, in letters of a contrasting color with the following information: "TESTED", the test pressure, the month and year of the test, the DOT code number of the tester, and the location where the drum was tested. For example:

TESTED, 15 p.s.i. 2/68,
DOT–1001,
Pittsburgh, Pa.

The code number required for this marking must be obtained from the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590, before drums are reconditioned under this section.

(ii) The outside of each removable head, for drums over 5 gallons capacity, must be marked to indicate the gauge of the steel used in making the head (e.g., "16-gauge").

(iii) Marking must conform to the requirements of § 173.24.

(n) Any drum which meets one specification may be altered to meet another specification provided the drum is capable of meeting the new specification in all respects.

(1) Each drum so altered must be inspected and tested in accordance with paragraph (m) of this section and the "type test" required for the new specification.

(2) The specification marking on the drum must be as required by the new

specification, and must be on a metal plate securely attached to the drum. The plate must be located on the body within 10 inches from the top head. The marking must conform to § 173.24. If the rated capacity is reduced by more than 2 percent, the new rated capacity must be shown. Both the old and the new specification identification must be shown with the specification to which the drum is converted shown last, e.g., "17E/17H".

These proposals are made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on July 15, 1969.

J. B. McCARTY, Jr.,
Captain, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, For the Federal Aviation Administration.

[F.R. Doc. 69-8596; Filed, July 22, 1969; 8:48 a.m.]

[49 CFR Part 173]

[Docket No. HM-28; Notice 69-20]

TRANSPORTATION OF HAZARDOUS MATERIALS

Removal of Label Exemption

The Hazardous Materials Regulations Board is considering amending paragraph (c) and canceling paragraph (e) of § 173.402 of the Department's Hazardous Materials Regulations to remove certain exemptions from requirements for the labeling of packages containing specified classes of hazardous materials when they are transported in carload or truckload lots. The Board is also planning to cancel § 173.404(h) since the provision therein is no longer necessary.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before September 23, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Carload and truckload shipments of hazardous materials, except classes A or C poisons, etiologic agents, and radioactive materials, are presently exempt from labeling requirements when such shipments are loaded by the shipper and are unloaded by the consignee from the transport vehicle in which originally loaded. In addition, carload and truckload shipments of classes A or C poisons, etiologic agents, and radioactive materials made by, for, or to the Department of Defense are presently exempt from the labeling requirements if loaded by the shipper and unloaded by the consignee from the transport vehicle in which originally loaded when accompanied by qualified personnel who are supplied with equipment to repair leaks or other container failures which will permit escape of contents.

These labeling exemptions were provided over 30 years ago for rail shipments. The exemptions were later extended to truckload shipments when transported by highway. In either case a car or motor vehicle containing carload or truckload shipments is required to be placarded or marked as prescribed for the hazardous materials contained therein. The placard (or marking) has about the same relationship to the rail car or motor vehicle as the label has to the package. Basically, the label provides precautionary information to the handler of the package and governs the loading or storage of the package while in the custody of the carrier. The placard (or marking) governs the placement of the rail car in a train, is a warning to train crews and operating personnel, and provides precautionary information to persons responding to the scene of an accident. Essentially the same type of safeguards apply to a placard motor vehicle.

Packages of hazardous materials often are not confined within transport vehicles as a result of collisions, derailments, and overturns. These packages may or may not be intact. Persons engaged in firefighting cleanup operations, enforcement, and the general public should be afforded sufficient warning of the potential hazards of the materials in packages. Prescribed labels on packages are a means of informing persons of the hazards involved.

There are occurrences when handling personnel, other than those employed by consignees, would come into contact with these hazardous materials even though such events are not contemplated at the time of shipment. Such occurrences as mechanical failure of transport equipment, shipments reconsigned to more than one destination, and the placement of shipments temporarily in storage are not uncommon.

The Board believes that the absence of labels from certain packages of hazardous materials even when carried in carload or truckload shipments is no longer justified except for shipments of the Department of Defense which are loaded and unloaded under its supervision and which are escorted by its personnel.

In consideration of the foregoing, it is proposed to amend certain sections of the Hazardous Materials Regulations as follows:

(A) In § 173.402 paragraph (c) would be amended; paragraph (e) would be canceled as follows:

§ 173.402 Labeling of explosives or other dangerous articles.

* * * * *

(c) Labels are not required on packages containing hazardous materials when the packages are—

(1) Loaded and unloaded under the supervision of Department of Defense personnel; and

(2) Under escort by Department of Defense personnel in a separate vehicle.

* * * * *

(e) [Canceled]

(B) In § 173.404 paragraph (h) would be canceled as follows:

§ 173.404 Labels.

* * * * *

(h) [Canceled]

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on July 15, 1969.

C. P. MURPHY,
Rear Admiral, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, For the Federal Aviation Administration.

[F.R. Doc. 69-8597; Filed, July 22, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

CHILDREN'S MEDICAL RELIEF INTERNATIONAL, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration[1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Children's Medical Relief International, Inc., 535 Fifth Avenue, New York, N.Y. 10017.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

JULY 14, 1969.

[F.R. Doc. 69-8577; Filed, July 22, 1969; 8:46 a.m.]

INTERNATIONAL EYE FOUNDATION

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3), 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration[1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

International Eye Foundation, Sibley Memorial Hospital, Washington, D.C. 20016.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

JULY 14, 1969.

[F.R. Doc. 69-8578; Filed, July 22, 1969; 8:46 a.m.]

[1] Certificate filed as part of original document.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 2691]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 15, 1969.

The Assistant Secretary for Fish and Wildlife, Parks, and Marine Resources, U.S. Department of the Interior, Washington, D.C., has filed an application, Serial No. Sacramento 2691, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of entry, including the mining laws (30 U.S.C., Ch. 2) but not from leasing under the mineral leasing laws. The land will be administered by the Bureau of Sport Fisheries and Wildlife for the management of migratory birds and other wildlife as part of the San Luis National Wildlife Refuge. The 8-acre tract lies within the exterior boundaries of the refuge.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 8 S., R. 11 E.,
Sec. 20, Lot 9.

The area described contains approximately 8 acres in Merced County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-8620; Filed, July 22, 1969; 8:50 a.m.]

NEW MEXICO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JULY 14, 1969.

Notice of a Department of Agriculture, Forest Service, application New Mexico 0559467, for withdrawal and reservation of lands for recreation purposes, was published as F.R. Doc. 66-3103 on page 4901 of the issue for Thursday, March 24, 1966. The applicant agency has canceled its application insofar as it affects a part of the lands. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, the lands described below, at 10 a.m. on August 18, 1969, will be relieved of the segregative effect on the above mentioned application:

NEW MEXICO PRINCIPAL MERIDIAN

CARSON NATIONAL FOREST

T. 29 N., R. 14 E.,
Sec. 24, E½SE¼SW¼NE¼, W½SW¼SE¼NE¼, excepting area in conflict with HES 88, NW¼NW¼NE¼SE¼, E½NW¼SE¼, NE¼SW¼SE¼, E½NW¼SW¼SE¼, and W½SE¼SW¼SE¼;
Sec. 25, W½NE¼NW¼NE¼ and SW¼NW¼NE¼;
Sec. 36, NW¼NW¼NW¼NW¼.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-8572; Filed, July 22, 1969; 8:46 a.m.]

[Utah 7493]

UTAH

Notice of Classification

JULY 15, 1969.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g), for lands within the Salt Lake District.

The lands affected by this classification are located in Box Elder County and are described as follows:

SALT LAKE MERIDIAN

T. 9 N., R. 14 W.,
Secs. 4, 10, 12, 14, 22, 24, 26, 28, and 34.
T. 10 N., R. 13 W.,
Secs. 14, 18, 20, 22, 24, 26, 28, 30, and 34.
T. 10 N., R. 14 W.,
Secs. 14, 18, 22, 24, 26, 28, 30, and 34.
T. 10 N., R. 15 W.,
Secs. 2, 4, 8, 12, and 20;
Sec. 6, S½SE¼;
Sec. 18, lots 1, 2, E½NW¼.
T. 11 N., R. 14 W.,
Sec. 30, all;
Sec. 31, E½E½.
T. 11 N., R. 15 W.,
Secs. 12, 24, 26, and 34;
Sec. 14, NE¼, E½NW¼, S½;
Sec. 22, E½SE¼.
T. 12 N., R. 15 W.,
Sec. 12, all.

The above-described areas aggregate 24,688.97 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240. (43 CFR 2411.1-2(d)).

R. D. NIELSON,
State Director.

[F.R. Doc. 69-8574; Filed, July 22, 1969; 8:46 a.m.]

[OR 4336(Wash.)]

WASHINGTON

Notice of Offering of Land for Sale

JULY 15, 1969.

Notice is hereby given that under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427) 43 CFR Subpart 2243, and pursuant to an application from the town of Odessa, Wash., the Secretary of the Interior will offer for sale the following 40.89 acre tract:

WILLAMETTE MERIDIAN, WASHINGTON

T. 21 N., R. 33 E.,
Sec. 4, lot 4.

The land is situated within Lincoln County, one-half mile northeast of Odessa, and is needed for development of public airport support facilities. By Final Resolution of Board of Commissioners of Lincoln County, Wash., dated February 3, 1969, the land was zoned as a "Public Facility District".

It is the intention of the Secretary to enter into an agreement with the town of Odessa to permit the town to purchase the land at its appraised fair market value.

The land will be sold subject to all valid existing rights. Patent to the land issued under the Act of September 19, 1964, supra, shall contain reservations to the United States of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945); and of all mineral deposits, which shall thereupon be withdrawn from appropriation under the public land laws, including the mineral and mineral leasing laws.

Any adverse claimants to the above-described land should file their claims or objections with the undersigned within 30 days of the filing of this notice.

IRVING W. ANDERSON,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-8573; Filed, July 22, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

PEANUTS; 1969 CROP

Incoming and Outgoing Quality Regulations and Indemnification; Correction

The regulations, regulating handling, F.R. Doc. 69-7771, appearing at page 11152 in the July 2, 1969, issue of the FEDERAL REGISTER, contains an inadvertent omission. The omission is corrected as follows:

In the Incoming Quality Regulation—1969 Crop Peanuts, paragraph (e), the second, third, and fourth sentences are corrected to read: "If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, such peanuts may contain up to 3 percent damaged kernels and Virginia type peanuts so produced and which are not stacked at harvest may contain up to 12 percent moisture; in the Southeastern Area and Virginia-Carolina Area, such seed peanuts, other than the foregoing Virginia type, may contain up to 11 percent moisture and in the Southwestern Area up to 10 percent moisture; and such seed peanuts may have visible *Aspergillus flavus*."

Dated: July 17, 1969.

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

[F.R. Doc. 69-8612; Filed, July 22, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF CHILD DEVELOPMENT

Establishment

Under the authority of section 6 of Reorganization Plan No. 1 of 1953 and pursuant to the delegation of authority to me from the Director, Office of Economic Opportunity, to administer Project Head Start approved by the President on June 30, 1969, I hereby order the following:

SECTION 1. *Organization.* There is hereby established in the Office of the Secretary an Office of Child Development. This Office will include responsibility for Project Head Start and will function under the direction of the Assistant Secretary for Administration.

SEC. 2. *Continuation of regulations and delegations.* Pending reissuance, all regulations, rules, orders, statements of policy, or interpretations of the Head Start program, Office of Economic Opportunity, are adopted by the Secretary of Health, Education, and Welfare, as regulations, rules, orders, statements of policy, or intepretations of the Department. Pending further administrative delegation by the Director, Office of Child Development (with approval of the Assistant Secretary for Administration), all administrative delegations relating to the carrying out of the Head Start program within the Office of Economic Opportunity are adopted by the Office of Child Development.

SEC. 3. *Effective date.* This order shall be effective immediately.

Dated: July 7, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-8540; Filed, July 22, 1969; 8:45 a.m.]

ACTING DIRECTOR, OFFICE OF CHILD DEVELOPMENT

Designation

I hereby designate Jule M. Sugarman as Acting Director, Office of Child Development.

ROBERT H. FINCH,
Secretary.

JULY 7, 1969.

[F.R. Doc. 69-8589; Filed, July 22, 1969; 8:47 a.m.]

REGIONAL DIRECTORS

Redelegation of Authority Regarding Administration of Head Start Program

1. Pursuant to a delegation of authority from the Director, Office of Economic Opportunity, acting under authority of the Economic Opportunity Act of 1964 (hereinafter the Act), I redelegate to the Regional Directors of the Department of Health, Education, and Welfare the power to make grants under section 222(a)(1) of the Act (Project Head Start), except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations.

2. Such redelegation shall include the authority to make, amend, suspend, and cancel grants, and to issue audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

3. Regional Directors shall make grants under the general policies and in such form as prescribed by the Director, OCD (and approved by the Assistant Secretary for Administration), and shall conform to the allocations and financial guidelines issued by him.

4. This delegation shall take effect immediately.

ROBERT H. FINCH,
Secretary.

JULY 7, 1969.

[F.R. Doc. 69-8590; Filed, July 22, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-65]

BEAUMONT, TEX.

Revocation of Designation as Port of Documentation

1. Notice of the proposed revocation of the designation of Beaumont, Tex., as a port of documentation and the transfer of the documentation records to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Federal Building, Customhouse, Fifth and Austin Avenue, Port Arthur, Tex. 77640, was published in the FEDERAL REGISTER of May 14, 1969 (34 F.R. 7667) as CGFR 69-50.

2. By virtue of the authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b), 49 CFR 1.4(a)(2), the following action is hereby taken effective August 21, 1969:

(a) The designation of Beaumont, Tex., as a port of documentation is revoked;

(b) The documentation records at Beaumont, Tex., are transferred to the office of the Officer in Charge, Marine Inspection, Federal Building, Customhouse, Fifth and Austin Avenue, Port Arthur, Tex. 77640; and

(c) Port Arthur is designated as home port of all vessels now having Beaumont as home port.

3. Vessels marked with the name of Beaumont as home port shall be deemed to be properly marked within the meaning of section 4178 of the Revised Statutes, as amended (46 U.S.C. 46) and the regulations issued thereunder, for a period of 2 years from the effective date of this order.

Dated: July 15, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-8616; Filed, July 22, 1969; 8:50 a.m.]

[CGFR 69-71]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

Correction

In F.R. Doc. 69-8267 appearing at page 11596 in the issue of Tuesday, July 15, 1969, the first center heading in the document should read "Lifeboat Winches for Merchant Vessels".

CIVIL AERONAUTICS BOARD

[Docket No. 20398; Order 69-7-85]

AIR FREIGHT

Order Regarding Minimum Charges Per Shipment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of July 1969.

By Order 68-10-116, dated October 21, 1968, in Docket 20398 [1] the Board ordered an investigation of the minimum charge provisions of 22 of the domestic scheduled route carriers. The pertinent tariff charges in question are typically (a) the charge for 50 pounds, but not less than $10 for the trunks, all-cargo carriers, and some local service carriers, and (b) $8 for most of the remaining local service carriers. A prehearing conference in this investigation was held on June 26, 1969.

On May 29, 1969, for effectiveness July 1, 1969, Seaboard World Airlines, Inc. (Seaboard), filed initial rates for its recently authorized domestic routes, which included a minimum charge provision based on the charge for 50 pounds, but not less than $10. The issues as to the lawfulness of the minimum charge provisions of the domestic scheduled route carriers in Docket 20398 appear equally applicable to the minimum charge provisions contained in the tariffs of Seaboard. We will therefore by this order institute an investigation of the minimum charge provisions contained in the Seaboard domestic tariffs.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the minimum charge per shipment appearing on 45th Revised Page 115 of Tariff CAB No. 8 (Agent J. Aniello series) issued by Airline Tariff Publishers, Inc., Agent, including subsequent revisions and reissues thereof, and rules, regulations and practices affecting such minimum charge per shipment are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful minimum charge per shipment and rules, regulations, or practices affecting such minimum charge per shipment.

2. The investigation instituted in paragraph 1 herein is hereby included in the investigation initiated in Docket 20398 by Order 68-10-116 and Seaboard World Airlines, Inc. is hereby made a party thereto.

3. Copies of this order shall be filed with the tariffs and served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Airlift International, Inc., The Flying Tiger Line, Inc., Air West, Inc., Allegheny Airlines, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans-Texas Airways, Inc., Emery Air Freight Corp., The Society of American Florists and Ornamental Horticulturists, the Western Regional Floral Traffic Conference, Inc., and Seaboard World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8613; Filed, July 22, 1969; 8:49 a.m.]

[Docket No. 20929; Order 69-7-74]

ALASKA AIRLINES, INC., ET AL.

Order Requesting Written Comments and Setting Matter for Oral Argument

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of July 1969.

Agreement between Alaska Airlines, Inc., Continental Air Lines, Inc., et al., Docket No. 20929, Agreement CAB 20953; relating to a common automated reservations system, filed pursuant to section 412 of the Federal Aviation Act of 1958.

On April 21, 1969, the Executive Secretary of the Air Traffic Conference of America (ATC), on behalf of certain ATC air carrier members,[1] filed pursuant to section 412 of the Federal Aviation Act of 1958; as amended (the Act), an agreement pertaining to the development and implementation by ATAR Computer Systems, Inc. (ATARCSI), of a common automated reservations system.

Nature of the agreement. The agreement consists of five documents: (1) An interline agreement among the air carrier participants; (2) an agreement between ATARCSI and the Executive Secretary of ATC (ATARS agreement); (3) a functional description of the system, (4) a standard contract with selling agents for use of the ATAR system (agency contract), and (5) a standard schedule of charges to trunk carriers and local service carriers (Schedule of Charges). Each document is summarized in the appendix.[2a]

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[1] Western Regional Floral Traffic Conference, Inc., was granted leave to intervene, Order 69-6-170 dated June 30, 1969.

[1] The carriers are: Alaska Airlines, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; National Airlines, Inc.; Northeast Airlines, Inc.; Northwest Airlines, Inc.; Southern Airways, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; and Western Air Lines, Inc.

[2a] Appendix filed as part of the original document.

A condition precedent to execution of an agreement by ATC with ATARCSI for development of a reservation system was participation therein by at least 10 air carriers who hold certificates of public convenience and necessity to engage in scheduled air transportation and who carried collectively (for the most recent annual period for which data are available) at least 50 percent of the total scheduled domestic revenue passenger miles. The agreement has been executed by 11 air carriers,[2a] whose operations meet the passenger mile requirement mentioned above. It is to become effective upon approval by the Board.

Any conditions to approval imposed by the Board must be acceptable to the original participants and to ATARCSI, to the extent they affect the latter company. The agreement is open to participation by any air carrier (as the term is defined in the Act) authorized to engage in scheduled air transportation pursuant to certificate of public convenience and necessity and to Air Canada and Canadian Pacific Air Lines, Ltd.

Background developments. The agreement is the outgrowth of "enabling" resolutions adopted by ATC in May 1967 which consisted of amendments to ATC resolutions identified as Agreements CAB 5044–A126, 5270–A1, and 18923–A1.[3] The effect of these amendments was (1) to establish conditions for the development and ultimate implementation of a common automated reservations system, (2) to outline the required capabilities of such a system, and (3) pending development of such a system, to permit the installation of electronic reservations equipment in the offices of travel agents or customers.

Another link in the chain of developments leading to the establishment of a common system was a memorandum of understanding (Agreement CAB 19739) signed by 22 airlines which established a Steering Task Force to oversee the development of such a system and to establish and coordinate efforts of the subcommittee dealing with the various aspects of the problem. This memorandum of understanding subsequently was adopted as a resolution of the ATC members (Agreement CAB 19991) in November 1967.[4]

The ATAR system. The ATAR system is described in part by ATARCSI as follows:

> The ATAR system (ATARS) is a facility provided by ATAR Computer Systems, Inc. (ATARCSI) for linking selling agents with the reservations centers of air carriers. Air carriers will provide to ATARS their schedules and flight/class/segment availability. For one all-inclusive monthly charge, ATARCSI will supply the selling agent with a private telephone line and a terminal on his premises, called a "selling agent set." Through it, ATARS will provide the selling agent with the means to determine schedules and availability and to establish passenger itineraries by means of the system's computers. Itineraries thus created within the system will be instantly forwarded to air carriers in accordance with standard airline industry message procedures. The system will provide automatic relay, to the selling agent's terminal, of messages sent to it by an air carrier.

ATARS is to maintain schedules for 360 days ahead.

The procedures contemplate that a selling agent may request availability between origin and destination either by approximate departure time or specific flight number.

It is understood that upon request of a selling agent, ATARS will first display direct service flights which do exist and a table of connecting points over which connecting services may be constructed. Then, upon the selling agent's selection of a specific connecting point, ATARS will display computer-generated connecting service schedules. Both the table of connecting points and the minimum connection times for connecting service schedules will be in accordance with the standards established by the airline industry.

Five basic fares will be quoted in response to schedule and availability requests for direct service.

The control of the seat inventory on each flight/class/segment, however, remains with the individual air carriers.

The cost to the carriers, which reportedly will bear 80 percent of the cost of operating ATARS, will be $3 per month to a trunkline and $1 per month to a regional carrier for each flight over each segment of their routes. In addition, they will pay 13 cents for each transaction, i.e., a sale made through ATARS, and 2 cents per inquiry. Selling agents will pay a deposit of $500 per terminal set. This amount is refundable, beginning 7 months after the set becomes operational, at the rate of $50 per month. In addition, the agent will pay from $110 per month for up to 2,000 transactions to $160 per month for over 6,000 transactions.

Otherwise, the agreement provides, in part, that each participant (1) will not place, retain or cooperate with others in placing or retaining equipment on the premises of any selling agent for purposes similar to those described in the agreement; (2) will not supply any person, either directly or indirectly through a person other than ATARCSI, with any schedule availability information or sell and cancel facilities into its reservations center for purposes and through equipment similar to that described in the agreement; and (3) will take all reasonable steps designed to forbid and prevent members of ATC from doing any of these acts and things.

Statements in opposition. The Telemax Corp. has filed a petition requesting that the Board disapprove the agreement on the grounds that it violates antitrust principles, creates sweeping anticompetitive effects, unnecessarily sacrifices the advantages of a free competitive market, is not required by a serious transportation need, secures no public benefits, and is therefore adverse to the public interest. In the alternative, Telemax requests the matter be set for hearing.

The Association of Retail Travel Agents (ARTA) has filed comments protesting the exclusionary provisions of the agreement and the adverse effects on the transportation industry which would result if the Board should approve the agreement. ARTA requests that the agreement be disapproved.

The Department of Justice filed comments on the arrangement, pointing out that the Board's previous approval of interline agreements does not extend to the terms of any ultimate agreement. Justice asserts that the instant proposal calls for a collective boycott of ATARS competitors and presents ATARS with a monopoly in the airline reservations market. If a common system can be operated while still permitting competition between suppliers, as claimed by Telemax, Justice maintains that there is no serious transportation need justifying a monopoly. Thus, it states that the agreement, which constitutes a per se violation of the antitrust laws, cannot be approved by the Board, and the Board should disapprove it or set the matter for full hearing.

Views of the Board. The agreement raises new and novel issues of considerable significance to many persons, including carriers participating in the agreement as well as the nonparticipants, travel agents, business firms, competitors of ATARCSI, hotels, motels, car rental companies, and the traveling public. Because of the complexity of the agreement and its impact, the Board has decided to defer action on the matter temporarily and allow an opportunity for interested persons to file written comments in support of or in opposition to approval of the agreement. The Board has also concluded that it should hear oral argument.

In regard to the written comments and the oral argument, the Board desires that the parties focus on the following questions as well as any other matters they deem relevant:

1. Is it possible under current technology to construct an automated reservations system which would permit the use both of terminal equipment and computers supplied by more than one vendor? Thus, as individual airlines are supplying availability information to ATARS, why could they not supply like information to competing reservations systems?

2. If so, would such a system be economically feasible to carriers, selling agents, and vendors?

3. Would the development of a possibly superior system be discouraged by Board approval of the instant agreement?

4. Does the adoption of a common automated reservations system of the type now proposed serve a serious transportation need, and thus secure important public benefits?

5. What is the basis for the charges to both the carriers and to the agents?

[2a] Footnote 1, supra.

[3] Such resolutions were approved by Order E–26098.

[4] Agreements 19739 and 19991 were approved by Board Orders E–25635, Sept. 6, 1967, and E–26282, Jan. 25, 1968, respectively.

6. What direct cost and administrative savings or other benefits are projected for the travel agent through ATARS that could not be provided in open competition?

7. How was the 10-carrier/50 percent-of-the-traffic standard selected as the go-ahead point for ATARS? Does this mean that below this figure (a) ATARCSI's profitability would be insufficient, (b) the travel agents costs would be too high, or (c) ATC's administrative burden would be too great? Or were there other considerations?

8. If the 10 carrier/50 percent standard is exceeded will there be a related reduction in charges by ATARS to the carriers and/or the travel agents, or simply an increase in ATARCSI's profitability?

9. Would the extension of ATAR's to other reservation services, for example, to car rental firms, hotels, motels, etc. permit economies which would decrease charges to participating carriers and selling agents?

10. What limitations, if any, are placed on the use which ATARCSI may make of the air travel data supplied to it by the air carriers participating in ATARS?

Beyond the foregoing, it would be helpful for the carriers to outline the factors which resulted in the selection of ATARS in the face of certain inadequacies alleged by the parties opposing approval of that system.[5]

The Board would be interested in having agents and commercial accounts indicate in what specific respects the advantages of the ATARS system outweigh any disadvantages to them, or vice versa.

The Board is also desirous of receiving information from manufacturers/vendors of systems which offer services equivalent or superior to those offered by ATARS. Such persons should address themselves to, among other things, the ability of a particular system to be interfaced with other systems; whether a common system could be achieved by such interfacing with no less capability or capacity than the proposed ATARS system and at no greater expense to the users; and, finally, what effect approval of the agreement would have on their continuing interest in the field of computerized reservations systems.

Other interested persons are at liberty to offer other factual information which will show the extent to which they would be affected by the agreement. Comments of such persons should show whether they are currently using or have decided to order electronic reservations equipment; and the primary use to which such equipment will be put, such as airline reservations, hotel/motel reservations, car rental arrangements, or other use.

[5] In addition, information should be furnished showing the names of the officers, directors and principal stockholders owning 1 percent or more of the stock of ATARCSI and Informatics, Inc.

Accordingly, it is ordered:

1. That action on Agreement CAB 20953 be and it hereby is deferred;

2. That interested persons are afforded a period of 20 days from the date of service of this order to file comments in support of or in opposition to the agreement; [6]

3. That persons who have filed timely comments in accordance with the foregoing paragraph be afforded a further period of 15 days within which to file rebuttal comments; [7]

4. That the issues raised by Agreement CAB 20953 and the request for approval thereof shall be set for oral argument before the Board on September 3, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.; and

5. That all parties who desire to participate in such oral argument shall advise the Board in writing of their desire to participate on or before August 15, 1969.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8614; Filed, July 22, 1969; 8:49 a.m.]

[Dockets Nos. 20579, 21201; Order 69-7-83]

FLYING TIGER LINE, INC.

Order of Investigation and Suspension Regarding Increased General Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of July 1969.

By tariffs marked for effectiveness July 27, 1969, and bearing posting and filing dates as noted below, The Flying Tiger Line, Inc. (Tiger), proposes the following domestic air freight rate increases:

Posted June 12, 1969. (a) General commodity rates at all weight-breaks from under 100 to 3,000 pounds are increased from 7.5 to 9.1 percent; [1] and (b) parcel post rates are increased approximately 7.5 percent, but not less than $1 per 100 pounds.

Filed June 24, 1969. Specific commodity rates at all weight-breaks are increased, reflecting a basic adjustment of 7.5 percent but not less than $1 per 100 pounds.

In support of its filings, Tiger states it is increasing its existing rates in order to improve the relationship of freight revenues to expenses.

Tiger's general commodity rates at weight-breaks of 300 pounds and under are in many instances presently higher than rates of competing carriers, after reflecting a 7½ percent increase which the Board has recently permitted. Under Tiger's instant proposal, most general commodity rates at these weight-breaks would exceed, significantly, the level of other domestic carriers, Tiger's rates above 300 pounds will typically match permitted rates.[2]

No complaints have been filed against any of Tiger's increases.

The Board has previously suspended earlier proposals of other carriers which would have increased numerous rates significantly in excess of 7½ percent, indicating that while the carriers may be entitled to some revenue increase from air freight, the Board was not prepared to permit increases of such magnitude.

In permitting the 7½ percent rate increase to the domestic cargo carriers, the Board considered, inter alia, that such increases would not have a sharp impact upon numerous shippers and would provide a reasonable compromise between the carriers' requirements for additional revenues and the shippers needs that sharp increases not be imposed upon them at one time.[3]

On the basis of matters now before it, the Board is not prepared without investigation to permit rates at levels above the level defined by the currently effective increases.[4]

Accordingly, upon consideration of Tiger's filings and other relevant matters, the Board finds that the general commodity rate proposals may be unjust, unreasonable, or unjustly discriminatory, or unjustly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.[5]

The remaining rate proposals involve increases within the parameters heretofore permitted by the Board and these will be permitted to become effective without investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. The investigation ordered by Order 68-12-115 in Docket 20579 be and it hereby is dismissed;

[6] An original and 19 copies of such comments should be filed with the Board's Docket Section.

[7] The 35-day period contemplated by ordering paragraphs 2 and 3 will run consecutively.

[1] Based on sampling of major markets.

[2] Tiger does not offer competitive weight-breaks of 5,000 pounds and over, hence Tiger's 3,000-pound rate, while consistent with Board-permitted rates at such level, will result in charges higher than permitted rates for these greater weights.

[3] Order 69-5-114, dated May 23, 1969.

[4] The Board is aware that at weight-breaks in excess of 300 pounds Tiger's rates would not generally exceed the level of rates permitted other carriers. While the order of suspension includes the entirety of Tiger's general commodity rate revisions, the Board would consider a filing by Tiger which would not involve rates at a level higher than rates currently being permitted for other carriers.

[5] Tiger's currently effective general commodity rates are pending investigation in Docket 20579, which the Board will now dismiss, as only Tiger remains in the proceeding.

2. An investigation is instituted to determine whether the rates and provisions described in Appendix A attached hereto,* and rules, regulations, and practices affecting such rates and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

3. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto * are suspended and their use deferred to and including October 24, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariff and served upon The Flying Tiger Line, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8615; Filed, July 22, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

INTERMODAL TRANSPORT CO., INC., ET AL.

Independent Ocean Freight Forwarder Licenses and Applicants

Notice is hereby given that the following applicants have been licensed during 1969 by the Federal Maritime Commission as Independent Ocean Freight Forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (46 U.S.C. 841 (b)).

Intermodal Transport Co., Inc., 180 El Camino Real, Millbrae, Calif. 94030, FMC License No. 1247.

W. Mercer & Co., Inc., Building 80, Room 208, J. F. Kennedy Airport, Jamaica, N.Y. 11430, FMC License No. 1249.

Robert De Morro, d/b/a Travelers Overseas Freight Forwarders, 179 Farren Avenue, New Haven, Conn. 06513, FMC License No. 1251.

Jose Astengo, Jr., 1300 South Beacon Street, Room 116, Post Office Box 1888, San Pedro, Calif., FMC License No. 1253.

Ted L. Rausch, 260 Spear Street, San Francisco, Calif., FMC License No. 1248.

Adolfo Ferrer Luchessi, Marina Street, Muelle No. 6, Box 2092, Old San Juan Station, San Juan, P.R. 00903, FMC License No. 1250.

Stanley J. Hope, 702 Stevenson Lane, Baltimore, Md. 21204, FMC License No. 1252.

* Appendix filed as part of the original document.

Dated: July 17, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8599; Filed, July 22, 1969; 8:48 a.m.]

RUMANIA/UNITED STATES ATLANTIC RATE AGREEMENT

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed by:

Mr. Howard A. Levy, Kurrus and Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Agreement No. 9577-2, between American Export Isbrandtsen Lines, Inc. and Hellenic Lines Ltd., amends clauses 1, 2, and 6(f) of the basic agreement to delete those provisions necessitating compliance with the reporting requirements of the Commission's General Orders 7 and 18. These orders were amended June 4, 1969, to except two-party rate-fixing agreements from the application thereof.

Dated: July 17, 1969.

By order of the Federal Martime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8600; Filed, July 22, 1969; 8:48 a.m.]

SALONIKA/U.S. RATE AGREEMENT

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 by:

Mr. Howard A. Levy, Kurrus and Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Agreement No. 9461-4, between American Export Isbrandtsen Lines, Inc., and Hellenic Lines Ltd., amends clauses 1, 2, and 7(f) of the basic agreement to delete those provisions necessitating compliance with the reporting requirements of the Commission's General Orders 7 and 18. These orders were amended June 4, 1969, to except two-party rate-fixing agreements from the application thereof.

Dated: July 17, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8601; Filed, July 22, 1969; 8:48 a.m.]

SEA-LAND SERVICE, INC., AND GULF-PUERTO RICO LINES, INC.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect 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 by:

Mr. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Corbin and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9771-1 between Sea-Land Service, Inc., and Gulf-Puerto Rico

Lines, Inc., modifies the basic transhipment agreement by expanding its geographic scope to include Hong Kong and Taiwan.

Dated: July 17, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8602; Filed, July 22, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3912 etc.]

ASHLAND OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

JULY 15, 1969.

Ashland Oil & Refining Co. and other applicants listed herein, Docket No. G-3912 etc.; Ashland Oil & Refining Co., Docket No. G-10546.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued July 2, 1969, and published in the FEDERAL REGISTER July 11, 1969 (34 F.R. 11504), on page 3, Column 4, Docket No. G-10546: Change "Footnote 2" to read "Footnote 1".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8562; Filed, July 22, 1969; 8:45 a.m.]

[Docket No. CP70-4]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

JULY 15, 1969.

Take notice that on July 10, 1969, Montana-Dakota Utilities Co. (Applicant) 400 North Fourth Street, Bismarck, N. Dak. 58501, filed in Docket No. CP70-4 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes the construction and operation of the following facilities:

(1) Construct approximately 263½ miles of 2⅜-inch to 16-inch pipeline to serve approximately 16 North Dakota communities.

(2) Construct an automated compressor station at Bismarck, N. Dak., and install two 1,100 horsepower Centrifugal Compressor Units.

(3) Install two additional 1,100 horsepower Centrifugal Compressor Units at the Cabin Creek Compressor Station, Fallon County, Mont. (To be installed in 1971.)

(4) Construct city gate stations in 12 North Dakota communities to serve the proposed new market area.

(5) Construct a transfer station through which natural gas will be delivered from the Minot-Bismarck transmission line into the Bismarck-Valley City transmission line.

(6) Remove and retire approximately 25 miles of 12¾-inch O.D. pipeline and four valve settings beginning at a point near Golva, N. Dak., to a point in Billings County, N. Dak.

Applicant states that the proposed construction is necessary to provide natural gas service to an area not now being served with natural gas and to serve the continued growth of system peak day requirements.

Total estimated cost of the proposed facilities is $9,677,000, to be financed through the sale of first mortgage bonds in 1970. Estimated net charge to retirement reserve for the removal and retirement of approximately 25 miles of 12¾-inch main is $351,114.

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

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8566; Filed, July 22, 1969; 8:45 a.m.]

[Docket No. CP68-193 (Phase II) etc.]

NORTHERN NATURAL GAS CO.

Notice Regarding Withdrawal of Certificate Application

JULY 15, 1969.

On June 13, 1969, Northern Natural Gas Co. pursuant to § 1.11(d) of the rules of practice and procedure filed a notice of withdrawal of its application in Docket No. CP69-267 in the consolidated proceedings in Docket No. CP68-193 (Phase II) et al., which requests authority to sell and deliver additional contract demand volumes to Northern Illinois Gas Co.

Notice is hereby given that the filing of the subject notice of withdrawal shall not be deemed to have effected the withdrawal of the certificate application simply because the Commission has not acted within 30 days after the filing of the subject notice.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8565; Filed, July 22, 1969; 8:45 a.m.]

[Docket No. CP68-193, etc.]

NORTHERN NATURAL GAS CO. ET AL.

Notice of Postponement of Prehearing Conference

JULY 15, 1969.

Notice is hereby given that the prehearing conference set for July 18, 1969, in the above-designated matter is postponed to August 5, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8564; Filed, July 22, 1969; 8:45 a.m.]

[Project No. 679]

SOUTHERN CALIFORNIA EDISON CO.

Order Accepting Surrender of License (Transmission Line) and Vacating Power Withdrawals

JULY 15, 1969.

On March 14, 1969, Southern California Edison Co., licensee for transmission line Project No. 679, filed an application for surrender of its license for the project located on lands of the United States within the San Bernardino National Forest in the county of San Bernardino, Calif.

The line is a 10 kv distribution line approximately 3,467 feet long which receives its power from a 33 kv circuit extending from Highland substation via Burnt Mill substation to the Houston substation.

The licensee states that it applied for the surrender at the request of the Forest Service in order to permit the Forest Service, in turn, to request that the

Commission vacate the power withdrawals under the Federal Power Act made pursuant to the licensee's application for license for the line and application for amendment of the license. By letter dated June 5, 1969, the Forest Service made such a request and advised that it has been working with the licensee and is presently negotiating with the city of San Bernardino on a mutually favorable land exchange which is related to the transmission line project. The Service has advised also that it has issued (Feb. 3, 1969) a special use permit to the licensee for the continued occupancy of forest lands by the line, and that its request for vacation of the section 24 power withdrawals was made to facilitate the land exchange contingent upon Commission acceptance of surrender of the license.

Annual charges under the license for the project ($1) have been paid through December 31, 1968. Public notice under section 6 of the Federal Power Act has been waived in the license. The license instruments have been returned to the Commission.

Portions (totaling about 1.15 acres) of the SE¼NW¼ sec. 19, T. 1 N., R. 3 W., San Bernardino Meridian, California, are withdrawn pursuant to the filing on January 5, 1926 of an application for license for the line, and on July 23, 1926 of an application for amendment of the license. Notices of the land withdrawals for the line were given to the General Land Office (now Bureau of Land Management) by Commission letters dated January 15, 1926 and August 30, 1926.

The Commission finds:

(1) The subject line is not part of a project as defined in section 3(11) of the Federal Power Act.

(2) Acceptance of surrender of the license for the line as hereinafter provided is appropriate for the purposes of the Federal Power Act.

(3) The withdrawals of the lands occupied by the line pursuant to the applications for Project No. 679 serve no useful purpose and should be vacated.

The Commission orders:

(A) The acceptance of surrender of the license for Project No. 679 is hereby accepted, effective as of February 2, 1969, and the annual charge under the license for the period January 1, 1969 through February 1, 1969 is hereby waived.

(B) The withdrawals under section 24 of the Federal Power Act pursuant to the filing of application for license for Project No. 679 and application for amendment of that license are hereby vacated.

By the Commission.

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

[F.R. Doc. 69-8424; Filed, July 22, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA BANK OF THE SOUTHWEST

Order Approving Merger of Banks

In the matter of the application of First Virginia Bank of the Southwest for approval of merger with Bank of New River Valley.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by First Virginia Bank of the Southwest, Christiansburg, Va., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Bank of New River Valley, Radford, Va., under the charter and name of the former. As an incident to the merger, the four offices of Bank of New River Valley would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

Dated at Washington, D.C., this 11th day of July 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-8567; Filed, July 22, 1969; 8:45 a.m.]

ROACHDALE BANK AND TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Roachdale Bank and Trust Co. for approval of merger with The State Bank of Russellville.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Roachdale Bank and Trust Co., Roachdale, Ind., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with The State Bank of Russellville, Russellville, Ind., under the charter of the former and under the name, Tri-County Bank & Trust Co. As an incident to the merger, the office of The State Bank of Russellville would become branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

Dated at Washington, D.C., this 11th day of July 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-8568; Filed, July 22, 1969; 8:45 a.m.]

HAMILTON NATIONAL ASSOCIATES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Hamilton National Associates, Inc., which is a bank holding company located in Chattanooga, Tenn., for the prior approval of the Board of the acquisition by Applicant of 50.9 percent of the voting shares of Marion Trust and Banking Co., Jasper, Tenn.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, and Sherrill. Absent and not voting: Governors Mitchell and Brimmer.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin and Governor Mitchell.

public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 15th day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8618; Filed, July 22, 1969; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

STANDING INTERAGENCY COMMITTEES CHAIRED BY GSA

Bureau of the Budget Circular No. A-63 of March 2, 1964, requires that notice of the establishment or extension of standing interagency committees be published in the FEDERAL REGISTER "in order to facilitate convenient and permanent reference by Federal agencies, unless this would be inconsistent with law or regulations, or where such publication would not be in the national interest." In compliance with this requirement, the following information is provided relating to standing interagency committees chaired by the General Services Administration.

A. Continuing interagency committees established by legislation, Executive order, or at the direction of the President:

Administrative Committee of the Federal Register.
Federal Fire Council.
National Archives Trust Fund Board.
National Historical Publications Commission.

B. Standing committees established during fiscal year 1969:

Interagency Committee on Silver Dollar Disposal.
Joint Federal, State, and Local Government Advisory Panel on Procurement and Supply.

C. Standing committees and subcommittees extended beyond June 30, 1969:

Interagency Advisory Committee on Disposal of Natural Rubber.
Interagency Advisory Committee on Security Equipment.
Interagency Advisory Committee on Standardization Planning.
Interagency Committee for Improvement in Procurement and Management of Property.
Interagency Committee for Review of Federal Supply Schedules.
Interagency Coordinating Committee on Medical Stockpile Shelf-Life Items.
Interagency Procurement Policy Committee.
Interagency Transportation and Traffic Management Committee.
Southwest Employment Area Transportation Committee.
Southwest Employment Area Transportation Working Committee.
Southwest Employment Area Transportation Working Subcommittee.

Dated: July 15, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-8619; Filed, July 22, 1969; 8:50 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

[Public Law 90-146; 81 Stat. 466]

ORGANIZATION AND AVAILABILITY OF INFORMATION

The following amended regulations are published pursuant to section 552 of title 5, United States Code, as amended:

Sec.
1 Purpose.
2 Definitions.
3 Authority, functions, and organization.
4 Public information.
5 Requests.
6 Exceptions to release.
7 Effective date.

SECTION 1. *Purpose.* These regulations of the National Commission on Product Safety, implementing 5 U.S.C. 552, are furnished for the guidance of the public. The regulations provide information concerning the authority, functions, and organization of the Commission, and the procedures by which documentary material and information may be obtained from the Commission. Official records of the Commission are available to members of the public on written request, as described herein.

SEC. 2. *Definitions.* To the extent that terms used in this part are defined in 5 U.S.C. 551, they shall have the same definition herein. As used in this part, "Commission" means National Commission on Product Safety.

SEC. 3. *Authority, functions, and organization*—(a) *Authority.* The National Commission on Product Safety was established by Public Law 90-146 (81 Stat. 466) effective November 20, 1967. The Commission is authorized to conduct hearings anywhere in the United States; to require by special or general orders the submittal of written reports and answers to Commission inquiries; to administer oaths; to require by subpoena attendance and testimony of witnesses and the production of documentary evidence; to invoke the aid of any district court of the United States to insure compliance with such subpoena or order; to order that testimony be taken by deposition before a duly selected designee of the Commission with power to administer oaths; to pay witness fees; to request from any other department, agency, or independent instrumentality of the Government such information as is deemed necessary to carry out the functions of the Commission; to enter into contracts for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties; to publish or withhold from publication information obtained by it; to delegate any of its functions to individual members of the Commission or to designated individuals on its staff; and to make such rules and regulations as are necessary for the conduct of its business.

(b) *Functions.* (1) Pursuant to statute, the Commission is to conduct a comprehensive study and investigation of the scope and adequacy of measures currently employed to protect consumers against unreasonable risk of injuries which may be caused by hazardous household products. Such study and investigation shall include consideration of the following:

(i) The identity of categories of household products which may present an unreasonable hazard to the health and safety of the consuming public.

(ii) The extent to which self-regulation by industry affords such protection;

(iii) The protection against such hazardous products afforded at common law in the States, including the relationship of product warranty to such protection; and

(iv) A review of Federal, State, and local laws relating to the protection of consumers against categories of such hazardous products, including scope of coverage, effectiveness of sanctions, adequacy of investigatory powers, uniformity of application, and quality of enforcement.

The Commission is to submit to the President and to the Congress such interim reports as it deems advisable and shall submit its final report to the President and to the Congress.

(2) The foregoing enumeration of powers and functions is for the information of the public and should not be construed to limit any additional powers or functions inherent in the existence of agencies of the U.S. Government, nor to limit other authority reserved to the Commission by Public Law 90-146.

(c) *Organization.* (1) The Commission consists of seven Commissioners appointed by the President, one of whom is designated Chairman by the President.

(2) The principal staff consists of Executive Director, General Counsel, Operations Chief, and Director of Public Affairs.

(3) The location of the Commission is at 1016 16th Street NW., Washington, D.C. 20036. The public may obtain information or make submittals or requests by writing to the Executive Director, or appearing, at that address.

(4) The Commission has no field offices.

SEC. 4. *Public information.* All information in the possession of the Commission (except information which is exempt from disclosure pursuant to section 6 hereof) is public and may be obtained upon written request to the Executive Director, 1016 16th Street NW., Washington, D.C. 20036, or by appearing personally at the office of the Commission between the hours of 1:30 and 4:30 p.m., Monday through Friday. Such information includes but is not limited to:

(a) Copies of Public Law 90–146 (81 Stat. 466), establishing the Commission;

(b) The Commission's regulations and a description of its organization as published in the FEDERAL REGISTER;

(c) Transcripts of testimony taken in public hearings, and other documentary evidence introduced at such public hearings;

(d) Written communications from members of the public claiming that a household product is hazardous, unless such communications request confidentiality;

(e) Official statements of policy and interpretations adopted by the Commission and not published in the FEDERAL REGISTER;

(f) Administrative staff manuals and staff instructions that affect a member of the public;

(g) Official minutes of Commission meetings; and

(h) Such additional information concerning the activities of the Commission as is released from time to time through the Commission's Office of Public Affairs.

SEC. 5. *Requests.* (a) Application by a member of the public for public information shall be for an identifiable record and in writing and shall indicate whether copies are desired.

(b) Requests should be made to the Commission's Executive Director. If for any reason, the request is denied, appeal may be had to the Commission. Appeals must be in writing and addressed to the Chairman, National Commission on Product Safety, 1016 16th Street NW., Washington, D.C. 20036. Where the request is for information or materials of which copies are not available and photostating or reproduction by other means is required, such service will be provided only upon payment of the costs involved.

(c) In the event that information is desired for inspection, copying, or use by an agency of the Federal or a State Government, a request therefor shall be made by the administrative head of the agency. Such request shall be in writing, and shall describe the information or material desired, if the production of documents or records or the making of copies thereof is requested.

(d) Any officer or employee who is served with a subpoena requiring the production or disclosure of any documents or records which are not public and are excepted from release by section 6 below, shall promptly advise the Commission of the service of such subpoena, the nature of the documents or information sought, and all relevant facts and circumstances. The Commission will thereupon enter such order or give such instructions as it shall deem advisable, consistent with statutory restrictions, its rules, and the public interest.

If an officer or employee so served has not received instructions from the Commission prior to the return date of the subpoena, he shall appear in court and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal upon these regulations.

SEC. 6. *Exceptions to release.* (a) The records of the Commission which are exempt from availability for public inspection and copying pursuant to 5 U.S.C. 522(b) are:

(1) Records related solely to internal personnel rules and practices of the Commission;

(2) Trade secrets, names of customers and commercial or financial information obtained from any person which is customarily privileged or which is expressly received by the Commission in confidence;

(3) Interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Commission;

(4) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(5) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party; and testimony, exhibits, and other material obtained in executive sessions of the Commission;

(6) Such other files and records of the Commission exempted from disclosure by statute or by Executive order.

(b)(1) Notwithstanding the foregoing, the Commission, in its discretion and consistent with Public Law 90–146 may determine, upon request for information, that such information be withheld and the request denied whenever there are reasonable grounds to believe that disclosure would give an unfair competitive advantage to any person, or unfairly affect the economic interests of any person, or would otherwise be contrary to the provisions of Public Law 90–146.

(2) For the purposes of this section, "unfair competitive advantage" means economic advantage which is caused by different treatment of one or more of a group of competitors, unless such treatment is (a) warranted by differences in safety characteristics of products, or (b) necessary to protect the public from potential risk of injury from a product.

SEC. 7. *Effective date.* These amended regulations shall be effective July 30, 1969.

Dated: July 20, 1969.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 69–8534; Filed, July 22, 1969; 8:45 a.m.]

WATER RESOURCES COUNCIL

POLICIES AND PROCEDURES IN PLAN FORMULATION AND EVALUATION OF WATER AND RELATED LAND RESOURCES PROJECTS

Notice of Change in Discount Rate

Notice is hereby given that the interest rate to be used by Federal agencies in the formulation and evaluation of plans for water and related land resources is 4⅞ percent for the period July 1, 1969, through and including June 30, 1970.

The rate has been computed in accordance with § 704.39 of the rules and regulations of the Water Resources Council, 18 CFR 704.39, and is to be used by all Federal agencies in plan formulation and evaluation of water and related land resources projects for the purpose of discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis.

The interest rate shall apply to all Federal and federally assisted water and related land resources project evaluation reports submitted to the Congress, or approved administratively, after the close of the 90th Congress, subject however to the provisions of 18 CFR 704.39 (d) regarding projects authorized prior to the close of the second session of the 90th Congress where State or local governmental agencies have given, prior to December 31, 1969, satisfactory assurances to pay the required non-Federal share of project costs.

The Treasury Department informed the Water Resources Council pursuant to 18 CFR 704.39(b) that the interest rate would be 5½ percent based upon the formula set forth in 18 CFR 709.39(a): "* * * the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States, which, at the time the computation is made, have terms of 15 years or more remaining to maturity * * *" This higher rate, however, cannot be used for plan formulation and evaluation for fiscal year 1970 because a further provision of the Council's rules and regulations provides "* * * [t]hat in no event shall the rate be raised or lowered more than one-quarter of 1 percent for any year." 18 CFR 704.39(a). Since the rate in fiscal year 1969 was 4⅝ percent, 18 CFR 704.39(e), the rate for fiscal year 1970 is 4⅞ percent.

Dated: July 14, 1969.

HENRY P. CAULFIELD, Jr.,
Executive Director.

[F.R. Doc. 69–8607; Filed, July 22, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF SOUTH CAROLINA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of South Carolina for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of South Carolina and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the résumé is included in the complete text of the program. A copy of the program, including proposed South Carolina regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 25th day of June 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF SOUTH CAROLINA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of South Carolina is authorized under section 1-400.15 of the 1962 Code of Laws of South Carolina and cumulative supplement thereto to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of South Carolina certified on June 4, 1969, that the State of South Carolina (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use it best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulations of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 15, 1969, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ day of _____.

For the United States Atomic Energy Commission.

_____

Done at Columbia, S.C., in triplicate, this _____ day of _____.

For the State of South Carolina.

_____
Governor.

FOREWORD

South Carolina is dedicated to the purpose of protecting and improving the lot of its citizens. This dedication is realized, in part, by its full participation in the age of atoms, in due recognition of the many benefits to be derived from the peaceful uses of nuclear energy and its byproducts.

To discharge its responsibility to the citizens of this State to protect them from possible harmful effects of ionizing radiation, the 1967 General Assembly enacted the Atomic Energy and Radiation Control Act, which at one time recognizes the partnership that must exist between the fostering of nuclear enterprise and the protection against potential radiation hazards.

This Act authorizes the Governor to enter into an agreement with the Federal Government whereby certain regulatory functions now exercised by the Federal Government in the licensing and control of byproduct material, source material and special nuclear material in quantities not sufficient to create a critical mass will be transferred to the State.

The Act also designates the South Carolina State Board of Health as the agency which shall be responsible for the control of radiation sources. A complete regulatory program consistent with that conducted by the U.S. Atomic Energy Commission is authorized.

The following pages will present a description of past, present, and future activities of the State Board of Health in the field of Radiological Health, including the organization, procedures, and resources which will be brought to bear on the new responsibility assumed as a result of the aforementioned agreement.

History

As early as 1947 the South Carolina State Board of Health became aware of and concerned about the occupational exposure of workers to static eliminators. Over fifty of these devices were located, surveyed, and recommendations for shielding and access control were made. No leak-testing was performed as equipment was not available at the time.

Also at this time a program designed to reduce occupational exposure of shoe salesmen to X-rays from fluoroscopic shoe-fitting machines was instituted. This was later followed by more complete regulations covering all aspects of the use of these devices, and finally they were outlawed altogether. Ninety-six shoe-fitting machines in all were eliminated.

A voluntary X-ray program was begun in 1953, whereby services of the South Carolina State Board of Health were made available for the purpose of inspecting X-ray installations and recommending corrective actions where needed. This program received very good response, and during the period 1953–1966, 965 machines were inspected and 38 percent were found to be deficient in some respect. Eighty percent of these deficiencies were corrected as a result of recommendations and followup inspections. This included 662 dental SurPak examinations, resulting in the installation of 63 aluminum filters and 135 collimators. More recently, during the period in which more comprehensive radiation control regulations were being developed, a program of voluntary registration of X-ray machines was begun. By December 31, 1968, 1,269 X-ray machines were registered.

A radium management program was begun in 1965 when it was discovered that the radium storage facility in a large hospital was contaminated by a leaking source, which the hospital no longer possessed. The services of the South Carolina State Board of Health were offered in this area of concern, and this voluntary service resulted in the registration of 331 radium sources in 23 facilities totaling 2,352 milligrams. Of these sources, 254 have been leak-tested and 29 leaking sources have been detected. All owners of leaking sources of radium voluntarily disposed of the leaking radium sources or had them reencapsulated. The Agency provides assistance to radium users in the proper disposal of unwanted or leaking sources. Inspections were based on recommendations in NBS Handbook 73. A written report with recommendations was left with the users after each inspection. The degree of compliance with recommendations was 90 percent. Followup visits were made when indicated.

Another activity in the area of radioactive materials has been the accompanying of AEC Inspectors on the occasion of inspection visits to South Carolina. Within the last 8 years, South Carolina personnel have accompanied Atomic Energy Commission Inspectors on 75 percent of the inspections within the State. This has served the valuable purpose of familiarizing the staff with the inspection of licenses of radioactive materials, as well as the investigation of incidents involving licensed material.

In 1956, as a result of recommendations made by the Savannah River Advisory Board, the South Carolina Water Pollution Control Authority conservatively entered into an environmental monitoring program to determine the effect, if any, of the Savannah River Plant of the Atomic Energy Commission on the aquatic environment. Initially, this program consisted of one sampling point on the Savannah River below the plant effluent, which was subjected to gross alpha and beta analysis. Continuous paddlewheel samplers were later added at three locations, and more rigorous analytical procedures were employed, including specific isotope analysis and gamma spectroscopy when indicated by gross measurements.

The location of the Carolinas-Virginia Nuclear Power Associates' small power reactor at Parr, S.C., as well as the nuclear submarine repair facility at the Charleston Naval Shipyard prompted considerable expansion and sophistication of the environmental program to include over 150 sampling points, sampling air, water, precipitation, bottom muds and silt, vegetation, and milk. These samples were subjected to gross alpha and beta analysis, specific isotope analysis and gamma scans. Approximately 1,200 analyses per year were performed. The number of sampling points, as well as items sampled and analyzed underwent change as new nuclear installations were announced. Modern, well equipped laboratory facilities were provided for this work.

During the past year the responsibility for the environmental program was transferred to the South Carolina State Board of Health, in close cooperation with the South Carolina Pollution Control Authority.

Also during the past year regulations governing radioactive materials, X-ray machines and particle accelerators were adopted, after several meetings of the Technical Advisory Radiation Control Council, which met to consider in detail proposed regulations, and after public hearings to air the recommendations before the public. The Technical Advisory Radiation Control Council is a committee authorized by the Atomic Energy and Radiation Control Act to advise the State Board of Health on policy matters, including regulations.

Present Program

The present program of the Division of Radiological Health consists of initiating the activities authorized by the Atomic Energy and Radiation Control Act, and continuing environmental monitoring, expanding the scope of this operation to take care of the burgeoning nuclear industries announced for South Carolina.

Licensing of radium is now mandatory. All X-ray machines and particle accelerators were required to be registered by March 31, 1969. The portions of the program dealing with these requirements have begun.

The radium management inspection determines compliance with regulations and terms of the license. Items checked are shielding, storage, access control, posting of signs, records, leak-testing, survey meters, personnel monitoring, and transport equipment. Again, other recommendations of a helpful nature are made.

The environmental program consists of sampling the environment in the vicinity of nuclear installations existing, under construction or announced. Preoperational surveillance activities consist of determining radioactivity levels in environmental samples as a baseline against which to compare those levels found after operations commence. Surveillance around existing facilities is conducted to determine if there is any impact on the environment as a result of release of radioactivity. If gross alpha and beta determinations show an increase, gamma and alpha spectrometry or specific isotope analysis is used to determine the source. An experimental program to determine the efficacy of using thermo-luminescent dosimetry as an environmental monitor is being conducted.

Future Plans

Future plans will include extending the regulatory program to licensing and regulating the use of those radioactive materials presently under the purview of the U.S. Atomic Energy Commission, dependent upon signing an agreement with the Atomic Energy Commission. Details of the regulatory procedures and policies to be followed are given in a later section.

An in-house formal training program in radiological health will be conducted for new staff personnel on a scheduled basis, and will utilize outside instructors where they are available.

Scope of Problem

There are an estimated 2,000 X-ray units in South Carolina, approximately 600 of these being dental units. The number of Atomic Energy Commission licenses for byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass currently in effect is 142. There are 331 known radium sources in use at 23 facilities totaling 2,352 milligrams. Numerous particle accelerators exist in this State.

Four large commercial nuclear power reactors are under construction, three of them being at one location. Also under construction is a nuclear fuels fabrication plant. Announcements have been made by two separate companies of their intentions to construct a nuclear fuels reprocessing plant. Other installations which indicate the need for environmental surveillance activities are the Savannah River Plant of the Atomic Energy Commission and the nuclear submarine repair base at Charleston, S.C.

Organization and Staff

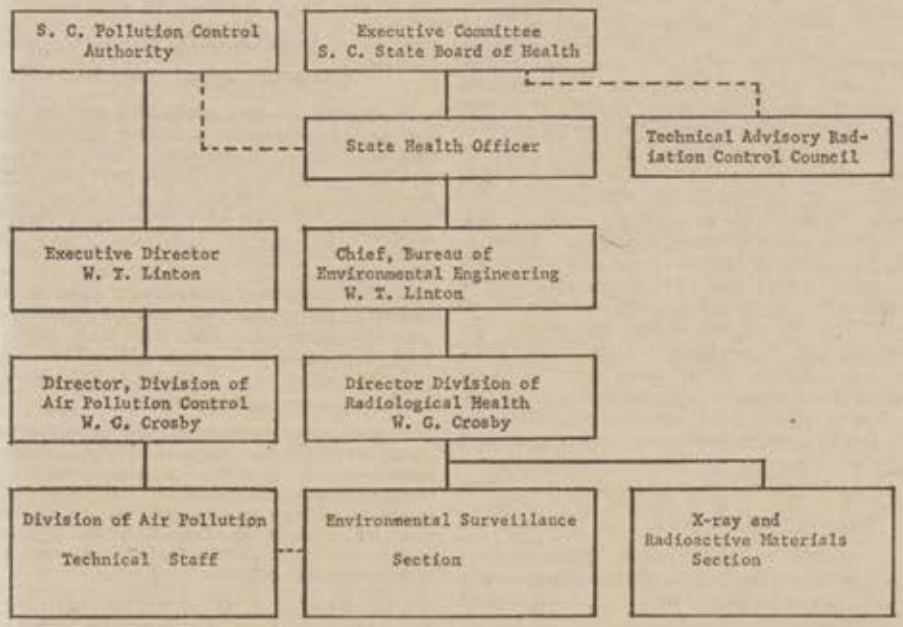
Under the provisions of the Atomic Energy and Radiation Control Act, the South Carolina State Board of Health is designated as the agency to exercise regulatory functions in radiological health. The organization of the State Board of Health is shown in Appendix, Chart 1. A Technical Advisory Radiation Control Council, appointed by the Governor, is also established. The purpose of this Council is to advise the State Board of Health on matters pertaining to ionizing radiation including standards, rules and regulations to be adopted, modified, promulgated or repealed by the Agency. Present membership of the Council is given in Table 1 of the appendix.

To assist the State Board of Health and staff in judging applications for nonroutine medical use of radioactive materials a Medical Advisory Committee has been appointed, the membership of which is shown in Table 2 of the appendix.

The functional radiological health program is operated by the Division of Radiological Health which, in turn, is a division of the Bureau of Environmental Engineering. The director of this division is also the director of the Division of Air Pollution Control, and spends his time equally divided between the

two divisions. In addition to State Board of Health staff members, experienced technicians are assigned to the Division of Radiological Health from the Bureau of Pollution Control to do work in environmental surveillance.

The line of authority and responsibility is shown on the accompanying diagram. The dotted line shown between the State Health Officer and the Pollution Control Authority indicates that he is, ex officio, Chairman of the Pollution Control Authority. There is also the statutory requirement that two additional members of the Authority be appointed from the Executive Committee of the State Board of Health. The dotted line between the Technical Staff of the Division of Air Pollution Control and the Environmental Surveillance Section of the Division of Radiological Health is intended to show the assignment of personnel and technical services by the Pollution Control Authority to the Division of Radiological Health.



REGULATORY PROCEDURES AND POLICY

Licensing and registration. The South Carolina State Board of Health has been designated the State Agency with the responsibility to develop an all-encompassing radiological health program in accordance with sections 1-400.11 through 1-400.16 of the 1962 Code of Laws of South Carolina and supplement thereto, the Atomic Energy and Radiation Control Act of South Carolina. The Division of Radiological Health has the responsibility for the operational phases of this program.

This program will regulate the safe use of all sources of ionizing radiation in the State including radium and accelerator produced nuclides, X-ray producing machines and particle accelerators. Certain small quantities of radionuclides as well as electronic devices which produce X-rays incidental to their operations in intensities insufficient to constitute a health hazard will be exempt. Licensing of all radionuclides including radium, and registration of X-ray machines and particle accelerators are features of this program. All regulations governing these sources are substantially in accord with the suggested State regulations as published by the Council of State Governments in cooperation with the Atomic Energy Commission and the U.S. Public Health Service. Every effort will be made to conduct the program in a fashion that is compatible with those operated by other agreement States and the Atomic Energy Commission.

The licensing program will be patterned after the one established by the Atomic Energy Commission and will use applicable criteria contained in regulations as published by the Atomic Energy Commission. The director and key staff members will evaluate each radioactive material license application, including prelicensing visits if this is indicated. When applications are received for unusual uses, additional advice will be sought. When applications for nonroutine medical uses are received the Medical Advisory Committee will be consulted. When applications for specific licenses are approved, licenses will be signed by the State Health Officer for the South Carolina State Board of Health.

Inspection. Inspection to determine radiation safety and compliance with pertinent regulations, and provisions of license or registration will be conducted as needed by division staff members. These members consist of the Director, the Radiological Health Specialist, Radiological Health Inspector and the Laboratory Technician III, who are or will be qualified by training and experience to conduct the inspections. Inspections will be either by prearrangement or unannounced during reasonable hours.

Licenses will be inspected on a priority basis determined by type of use, quantity of radioactive material, physical and chemical form, training, and experience of user, frequency of use and other factors in keeping with the experience gained by others including the Atomic Energy Commission and other agreement States. The initially planned frequencies are categorized as follows:

Classification of use	*Usual inspection frequency*
Industrial radiography:	
Fixed installations...	Once each 12 months.
Mobile operations...	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Broad licenses—industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12–24 months.

These frequencies are subject to alteration and are presented as a depiction of the general policy at this time. Individual licenses will be judged on the particular circumstances associated with the terms of the license.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the license management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Agency on the occasion of incidents.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the Director of the Division of Radiological Health.

All inspectors will keep abreast of changes and developments in the field of radioactive materials by attending training courses, seminars and symposia, as well as in-house training which will be required.

Compliance and enforcement. The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed, or expected to be completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license, upon request by the licensee, may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy minor items of noncompliance. The Agency may amend, suspend or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action,

the Agency shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon findings that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder. After these actions the licensee still has right to a hearing.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been afforded.

The Agency will use its best efforts to obtain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such license or on the date of expiration specified in the federal license, whichever is earlier.

Compatibility and reciprocity. In promulgating rules and regulations, the Agency has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other state and federal licenses.

Radiological emergency capability. The Division of Radiological Health has maintained the capability for handling radiological emergencies since 1959. This capability includes training of personnel, proper monitoring instruments, and liaison with other agencies such as State Highway Patrol, Atomic Energy Commission, Savannah River Plant, and U.S. Public Health Service.

As a result of our Radium Management Program, additional capability was formulated in 1965 to handle other radiological emergencies such as lost or damaged radium sources, overexposures, contamination, or transportation incidents. Additional personnel were trained, better instruments purchased and maintained, "emergency kits" put together for immediate use, and a system for telephone communications instituted. Emergency plans of other groups and agencies involving radiological incidents were reviewed by our Division.

Future plans for emergency procedures involve first of all a thorough review of our existing plan in light of the new role as an agreement state. A more formal plan will be instituted delineating the responsibility of each group or agency. Radiological Emergency Assistance Teams will be organized and trained in areas of major radiological activity. The Division of Radiological Health, which will be responsible for the program, will coordinate the new plan so that when and if an emergency does occur a systematic procedure will be followed.

[F.R. Doc. 69-7644; Filed, June 30, 1969; 8:45 a.m.]

JOHN B. STORER

Certification

Pursuant to the proviso contained in section 207 of title 18 United States Code (Public Law 87-849, 76 Stat. 1124), having found that Dr. John B. Storer, formerly Deputy Director of the Division of Biology and Medicine, Atomic Energy Commission, and presently an employee of the Union Carbide Corp. at the Oak Ridge National Laboratory (a Government-owned laboratory operated for the Atomic Energy Commission by the Union Carbide Corp.), possesses outstanding scientific qualifications, I certify that the national interest would be served by the said Dr. Storer acting as agent for or appearing personally before the Atomic Energy Commission on behalf of the Union Carbide Corp. in connection with the operation of the Oak Ridge National Laboratory by the Corporation under its contract with the Commission, on matters relating to biomedical programs of the Oak Ridge National Laboratory in which he participated personally and substantially as an employee of the Atomic Energy Commission or which were under his official responsibility as an Atomic Energy Commission employee.

This certification is directed to be published in the FEDERAL REGISTER.

Dated: July 15, 1969.

E. J. BLOCH,
Acting General Manager.

[F.R. Doc. 69-8594; Filed, July 22, 1969; 8:48 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

TENNESSEE

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on July 11, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Tennessee adversely affected by severe storms and flooding beginning on or about June 23, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Tennessee.

I do hereby determine the following areas in the State of Tennessee to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 11, 1969:

The Counties of:

Clay.	Macon.
Cumberland.	Overton.
Jackson.	Sumner.

Dated: July 15, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-8575; Filed, July 22, 1969; 8:46 a.m.]

WISCONSIN

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on July 11, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Wisconsin adversely affected by severe storms and flooding beginning on or about June 29, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Wisconsin.

I do hereby determine the following areas in the State of Wisconsin to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 11, 1969:

The Counties of:

Grant.	Milwaukee.
Green.	Racine.
Lafayette.	Waukesha.

Dated: July 15, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-8576; Filed, July 22, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2472]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Application for Order Exempting Proposed Transaction Between Affiliated Persons

JULY 16, 1969.

Notice is hereby given that E. I. du Pont de Nemours and Co. ("applicant"), Wilmington, Del. 19898, a Delaware corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from section 17(a) of the Act a proposed transaction described below whereby applicant would assign

to one of its employees, Frederic A. Lang ("Lang"), certain patent rights. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Christiana Securities Co. ("Christiana"), a registered closed-end investment company, owns approximately 29 percent of the outstanding common stock of applicant. Under sections 2(a)(3) and 2(a)(9) of the Act, applicant is an affiliate of, and is presumed to be controlled by, Christiana and Lang is an affiliated person of applicant.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from purchasing from such registered company or from any company controlled by such registered company any security or other property, unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Applicant proposes to assign to Lang certain United States and foreign patent applications and an issued foreign patent relating to the design and use of tendons and anchoring systems for post-tensioning concrete. The patent applications and patent, together with any patents issuing from the patent applications or from continuations or divisions thereof, will be referred to herein as the "subject patent rights". Lang, while an employee of the applicant, invented the tendons and anchoring systems covered by the subject patent rights and, in accordance with his employment contract, his rights to the invention became the property of applicant. There have been no sales of products related to the subject patent rights and applicant does not intend to produce and market these products. Lang has requested applicant to assign the subject patent rights to him and, in order to devote his full time to the exploitation of the subject patent rights, indicated a desire to retire as he is presently eligible to do.

Under the terms of the proposed assignment agreement, applicant would assign the subject patent rights to Lang and would also grant him the nonexclusive right to use certain related technical and marketing information. Lang would pay $1,000 for the right to use such information, which amount is not to be refundable, and $1,000 as an advance against royalties that may be due applicant during the period ending January 1, 1972. Royalties would accrue to applicant beginning with the first calendar quarter after the total cumulative sales volume of the products involved exceeded $2,000,000 and would amount to 1 percent of the net selling price. In the event that payments to applicant have not reached a total of $15,000 by January 1, 1972, applicant can request and obtain reassignment of all the subject patent rights. Lang would also be given an option to a nonexclusive license under another patent application owned by applicant to make, use and sell plastic-covered lubricated wire for post-tensioning concrete. Lang would agree not to assert any patent, from the subject patent rights, against applicant or any designee of applicant to prevent the manufacture, use or sale of plastic-covered lubricated wire that is not intended for post-tensioning concrete.

Applicant states that there is no established market for the products to which the subject patent rights relate nor any clear indication of the ultimate market acceptance of such products and that Lang will have to incur considerable expenses and risk in order to develop a profitable business. Applicant further states that it is not aware of any other party to whom the subject patent rights could be assigned on terms more favorable to it than those presently proposed.

Notice is further given that any interested person may, no later than July 29, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8623; Filed, July 22, 1969; 8:50 a.m.]

[812-2321]

TAX EXEMPT INCOME FUND, SERIES 5

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

JULY 16, 1969.

Notice is hereby given that Goodbody & Co., the sponsor and depositor of Tax Exempt Income Fund, Series 5 ("Applicant"), 55 Broad Street, New York, N.Y., a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application on behalf of Applicant for an order pursuant to section 8(f) of the Act declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

A notification of registration on Form N-8A and a registration statement on Form N-8B-2 relating to Applicant were filed with the Commission on May 17, 1968. Formation of Applicant was subsequently discontinued by the sponsor and no securities were sold.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 4, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the

hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-8624; Filed, July 22, 1969; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 870]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 17, 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 protests 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 field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 250 TA) (Correction), filed June 12, 1969, published FEDERAL REGISTER, issue of June 25, 1969, and republished as corrected this issue. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). NOTE: The purpose of this republication is to show the correct docket number assigned thereto, MC 531 (Sub No. 251 TA), in lieu of MC 531 Sub 1 TA as previously published in error.

No. MC 27754 (Sub-No. 14 TA), filed July 11, 1969. Applicant: FRANK J. KUBLY TRANSFER, INC., 1202 18th Street, Monroe, Wis. 53566. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese whey*, from Forreston, Ill., to Peru, Ind., and Cumberland and Green Bay, Wis., for 180 days. Supporting shipper: Walter Howld, doing business as Forreston Cheese Co., Forreston, Ill. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 60066 (Sub-No. 6 TA), filed July 9, 1969. Applicant: BEE LINE MOTOR FREIGHT, 1804 Paul Street, Omaha, Nebr. 68102. Applicant's representative: Inar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between North Platte, Nebr., and McCook, Nebr., over U.S. Highway 83, serving the intermediate points of Wellfleet, Maywood, and the off-route point of Curtis, Nebr., for 150 days. NOTE: Applicant intends to interline with all carriers at North Platte, Nebr. Supporting shipper: There are seven supporting letters from interline motor carriers and shippers. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, 15th and Dodge Streets, Omaha, Nebr. 68102.

No. MC 95540 (Sub-No. 757 TA), filed July 10, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth* (synthetic fiber), other than with pile or loop surfaces, coated with plastic, other than cellular expanded or foamed or resin, from Costa Mesa, Calif., to Orlando, Fla.; Marietta, Ga.; Charleston, S.C.; Nashville, Tenn.; Middletown, Ohio; and Hagerstown, Md., for 180 days. Supporting shipper: Whittaker Corp., Narmco Materials Division, 600 Victoria Street, Costa Mesa, Calif. 92627. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 114890 (Sub-No. 43 TA), filed July 14, 1969. Applicant: C. E. REYNOLDS TRANSPORT, INC., 2209 Range Line, Joplin, Mo. 64801. Applicant's representative: J. David Harden, Jr., 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solution*, in bulk, in tank vehicles, from the plantsite of Cherokee Nitrogen Co. at or near Pryor, Okla., to points in Iowa, Missouri, and Nebraska, for 150 days. Supporting shipper: Cherokee Nitrogen Co., Post Office Box 429, Pryor, Okla. 74361. Send protests to: District Supervisor John V. Barry, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128866 (Sub-No. 9 TA), filed July 8, 1969. Applicant: B & B TRUCKING, INC., Post Office Box 128, 9 Brade Lane, Cherry Hill, N.J. 08034. Applicant's representative: Daniel L. O'Connor, Federal Bar Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum food containers*, (a) from the plantsite of Penny Plate, Inc., at Cherry Hill, N.J., to: The plantsite of Penny Plate, Inc., at Searcy, Ark.; the plantsite of Morton Frozen Foods, Inc., at Russellville, Ark.; the plantsite of Stouffer Foods, Inc., at Quincy, Ill.; the plantsite of Table Talk, Inc., at Worcester, Mass.; the plantsite of Pet, Inc., at Frankfort, Mich.; the plantsites of Banquet Division of F. M. Stamper, Inc., at Marshall, Carrollton, and Macon, Mo.; the plantsites of Stouffer Foods, Inc., at Cleveland and Solon, Ohio; the plantsite of Pet, Inc., at Chickasha, Okla.; the warehouse of Buff-Henley, Inc., at Philadelphia, Pa.; and the plantsites of Morton Frozen Foods, Inc., at Crozet and Waynesboro, Va., (b) from the plantsite of Penny Plate, Inc., at Searcy, Ark., to: The plantsite of Morton Frozen Foods, Inc., at Russellville, Ark.; the warehouse of Penny Plate, Inc., at Deerfield, Ill.; the plantsite of Stouffer Foods, Inc., at Quincy, Ill.; the plantsite of Table Talk, Inc., at Worcester, Mass.; the plantsite of Pet, Inc., at Frankfort, Mich.; the plantsites of Banquet Division of F. M. Stamper, Inc., at Marshall, Carrollton, and Macon, Mo.; the plantsites of Stouffer Foods, Inc., at Cleveland and Solon, Ohio; the plantsite of Pet, Inc., at Chickasha, Okla.; the warehouse of Buff-Henley, Inc., at Philadelphia, Pa.; and the plantsite of Morton Frozen Foods, Inc., at Waynesboro, Va. (2) *Aluminum foil or sheet*, from the plantsite of the Kaiser Aluminum Co. at Ravenswood, W. Va., to the plantsites of Penny Plate, Inc., at Searcy, Ark., and Cherry Hill, N.J. (3) *Scrap aluminum, defective or damaged aluminum foil or sheets, skids, pallets, and aluminum cores*, from plantsites of Penny Plate, Inc., at Searcy, Ark., and Cherry Hill, N.J., to the plantsite of Kaiser Aluminum Co. at Ravenswood, W. Va., for 150 days. Supporting shipper: Penny Plate, Inc., Post Office Box 458, Haddonfield, N.J. 08034. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 133777 (Sub-No. 1 TA), filed July 11, 1969. Applicant: METAL CARRIERS, INC., Route 1, Box 91B, Grapevine, Tex. 76051. Applicant's representative: Reagan Sayers, Post Office Box 17007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap aluminum and scrap nonferrous metals*, between points in Texas and Arkansas, for 120 days. Supporting shippers: A. Tenenbaum Co., Inc., Post Office Box 109, Little Rock, Ark. 72203; Hot Springs Aluminum, Processors, Inc., Post Office Box 1120, Hot Springs, Ark. 71901. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission,

Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8605; Filed, July 22, 1969; 8:49 a.m.]

[Notice 380]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 17, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71369. By order of July 7, 1969, the Motor Carrier Board approved the transfer to K. R. Rezendes, Inc., Assonet, Mass., of the certificate in No. MC-104168, issued January 31, 1963, to Assonet Trucking Co., Inc., authorizing the transportation of sand, gravel, and other road surfacing materials between described areas of Rhode Island and Massachusetts. Russell B. Curnett, 36 Circuit Drive, Edgewood Station, R.I. 02905, representative for applicants.

No. MC-FC-71427. By order of July 7, 1969, the Motor Carrier Board approved the transfer to Charles B. Wilcox, Jr., doing business as Bus-Air Truck Line, Kansas City, Mo., of the operating rights in certificate No. MC-62882 issued February 9, 1967, to James A. Barnard, doing business as Jim Barnard Trucking Co., Spring Hill, Kans., authorizing the transportation of general commodities, with usual exceptions, from Kansas City, Mo., to Spring Hill, Kans., serving specified intermediate and off-routes; livestock, from Paola, Kans., to Kansas City, Mo.; feed, agricultural machinery, building materials, household goods, fertilizer, and oil, from Kansas City, Mo., to Spring Hill, Kans., and points within 10 miles of Spring Hill, and livestock, between Spring Hill, Kans., and points within 10 miles thereof, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo. Marion W. Chipman, Box 146, Suite 1001-1004, Keepers Building, 135 West Park, Olathe, Kans. 66061, attorney for applicants.

No. MC-FC-71482. By order of July 9, 1969, the Motor Carrier Board approved the transfer to Ferman L. Strickland and Eileen M. Strickland, a partnership, doing business as Aurora Delivery, Anchorage, Alaska, of certificate No. MC-119402 (Sub-No. 2) issued March 8, 1965, to Robert A. Rehus, doing business as Palmer Transfer, Palmer, Alaska, authorizing the transportation of: General commodities, with certain exceptions, between Anchorage, Alaska, and Wasilla, Alaska, serving all intermediate points, and between all points within 100 miles of Anchorage, Alaska, north of an imaginary line, through Anchorage. A. Robert Hahn, Jr., 542 Second Avenue, Anchorage, Alaska 99501, attorney for applicants.

No. MC-FC-71490. By order of July 7, 1969, the Motor Carrier Board approved the transfer to Harvey Mears, Inc., 111 Pension Street, Chincoteague, Va. 23336, of certificate No. MC-126360 (Sub-No. 3) and Permit No. MC-128350, issued July 13, 1965, and August 17, 1966, to Harvey Mears, 111 Pension Street, Chincoteague, Va. 23336, authorizing the transportation of passengers and their baggage and express between Wallops Island, Va., on the one hand, and, on the other, Coquena Beach, N.C., and points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

No. MC-FC-71495. By order of July 7, 1969, the Motor Carrier Board approved the transfer to Charles F. Reynolds and H. Lee Bryant, doing business as Hoffman Transfer Co. (a partnership), Denver, Colo., of the corrected certificate of registration in No. MC-57232 (Sub-No. 1) issued October 6, 1967, to Stuart Rogell, doing business as Hoffman Transfer Co., 2921 Walnut Street, Denver, Colo. 80205, evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Colorado. Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001, attorney for transferee.

No. MC-FC-71503. By order of July 9, 1969, the Motor Carrier Board approved the transfer to Miller Bros. Co., Inc., Hyrum, Utah, of certificate No. MC-117699 (Sub-No. 1), issued August 1, 1968, to E. A. Miller & Sons Packing Co., Inc., Hyrum, Utah, authorizing the transportation of bananas from Los Angeles and San Francisco, Calif., to Salt Lake City, Utah. Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8606; Filed, July 22, 1969; 8:49 a.m.]

[Notice 379]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 16, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71399. By order of July 3, 1969, the Motor Carrier Board approved the transfer to The Portanova Trucking Co., Inc., Trumbull, Conn., of the operating rights in certificate No. MC-133145 issued June 26, 1969, to Lucy Portanova, Executrix of the estate of Daniel L. Portanova, doing business as Portanova Trucking Co., Trumbull, Conn., authorizing the transportation of lumber and building materials, except cement in bulk, between points in Connecticut, restricted to the transportation of traffic having a prior movement by rail. Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103, attorney for applicants.

No. MC-FC-71413. By order of July 3, 1969, the Motor Carrier Board approved the transfer to Courtney Van Lines, Inc., 513 North Market Street, Marion, Ill. 62959, of certificate No. MC-19240, issued April 21, 1964, to Courtney's Moving & Storage Co., 513 North Market Street, Marion, Ill. 62959, authorizing the transportation of: Fruits and vegetables, from points in Williamson, Franklin, and Saline Counties, Ill., to St. Louis, Mo., Indianapolis, Ind., Nashville, Tenn., and Columbus and Cleveland, Ohio, with no transportation for compensation on return except as otherwise authorized; and household goods as defined by the Commission, between points in Williamson, Franklin, Saline, Jackson, Johnson, Alexander, Pulaski, Massac, Pope, Hardin, Gallatin, White, Hamilton, Jefferson, Perry, Union, Wabash, Wayne, and Edwards Counties, Ill., on the one hand, and, on the other, points in Missouri, Kentucky, Indiana, Iowa, Ohio, West Virginia, Pennsylvania, New Mexico, Texas, Kansas, Wisconsin, Oklahoma, Tennessee, Michigan, Nebraska, Colorado, Alabama, Arkansas, and the District of Columbia. Such authority is subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act.

No. MC-FC-71442. By order of July 3, 1969, the Motor Carrier Board approved the transfer to Lawson Equipment, Inc., Stanberry, Mo., of certificate in No. MC-54291, issued September 18, 1968, to Richard D. Ezell and Evelyn E. Ezell, a partnership, doing business as R. and L. Truck Line, Stanberry, Mo., authorizing the transportation of: General commodities, with the usual exceptions, between St. Joseph, Mo., and Stanberry, Mo., and, livestock, from Stanberry, Mo., to Kansas City, Kans., serving the intermediate and off-route points of Kansas City, Mo., and those within 10 miles of Stanberry. Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo.

65101, and, Richard R. Nacy, Jr., Central, Trust Building, Jefferson City, Mo. 65101, attorneys for applicants.

No. MC-FC-71493. By order of July 3, 1969, the Motor Carrier Board approved the transfer to Merchant Moving & Storage, Inc., Lake Bluff, Ill., of the operating rights in permit No. MC-114350 issued on September 18, 1959, to Louis M. Schultz and Marie C. Schultz, a partnership, doing business as Merchant Moving & Storage, Waukegan, Ill., authorizing the transportation of: Such commodities as are dealt in by chain retail and mail-order department stores from Waukegan, Ill., to specified portion of Wisconsin. Melvin N. Routman, 308 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8546; Filed, July 18, 1969; 8:47 a.m.]

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