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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Advisory Commission on Parcel Distribution Services

Part 213 is amended to show that § 213.3163, having expired by its own terms, is revoked in its entirety.

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

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

[F.R. Doc. 69-9099; Filed, Aug. 1, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show the exception of one position of Staff Assistant to the Assistant Secretary for Water Quality and Research under Schedule C and to reflect the current title of the Assistant Secretary in the authority for the position of his Confidential Assistant. Effective on publication in the FEDERAL REGISTER, subparagraph (30) is amended and subparagraph (33) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(30) One Confidential Assistant to the Assistant Secretary for Water Quality and Research.

* * * * *

(33) One Staff Assistant to the Assistant Secretary for Water Quality and Research.

* * * * *

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

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

[F.R. Doc. 69-9100; Filed, Aug. 1, 1969; 8:46 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Flying, Participating in; Correction

Item (8) under Flying, participating in, in Appendix A table appearing in the FEDERAL REGISTER of July 1, 1969, on page 11083, should read as follows:

Irregular or intermittent duty	Rates of hazard duty differential	Effective date
* * *	* * *	* * *
Flying, participation in:		
* * *	* * *	* * *
(8) *Landing and taking-off in polar areas.* Landing in polar areas on unprepared snow or ice surfaces and/or taking off under the same conditions.	25%	First pay period beginning after July 1, 1969.
* * *	* * *	* * *

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

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

[F.R. Doc. 69-9098; Filed, Aug. 1, 1969; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER B—PERSONNEL

[Dept. Reg. 108.606]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Eligibility for Appointment as Foreign Service Officer

In § 11.1, paragraph (b) is redesignated as paragraph (c) and a new paragraph (b) is added to read as follows:

§ 11.1 Eligibility for appointment as Foreign Service Officer.

* * * * *

(b) Notwithstanding the provisions of section 3320 of title 5 of the United States Code, the fact that any applicant is a veteran or disabled veteran, as defined in section 2108 (1) or (2) of such title, shall be taken into consideration as an affirmative factor in the selection of applicants for initial appointment as Foreign Service officers.

* * * * *

(Sec. 4, 63 Stat. 111, as amended, secs. 302, 516, 517, 60 Stat. 1001, 1008, as amended, sec. 14, 82 Stat. 813; 22 U.S.C. 2658, 842, 911, 912, 1234, Executive Order No. 11264; 3 CFR 1966 Comp.)

Dated: July 28, 1969.

For the Secretary of State.

RALPH S. ROBERTS,
Acting Deputy Under Secretary for Administration.

[F.R. Doc. 69-9088; Filed, Aug. 1, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix—Second Apportionment of the Special Food Service Program for Children Funds Pursuant to the National School Lunch Act, Fiscal Year 1969

Pursuant to section 13 of the National School Lunch Act, as amended, food assistance and nonfood assistance funds available for fiscal year 1969 and through September 30, 1969, are apportioned among the States as follows:

State	Total Apportionment
Alabama	$878,132
Alaska	600
Arizona	91,224
Arkansas	62,360
California	190,904
Colorado	302,000
Connecticut	63,770
Delaware	34,735
District of Columbia	1,000,000
Florida	101,156
Georgia	899,844
Hawaii	30,000
Idaho	20,578
Illinois	345,828
Indiana	60,566
Iowa	50,600
Kansas	144,462
Kentucky	77,277
Louisiana	225,890
Maine	15,987
Maryland	48,994
Massachusetts	163,773
Michigan	306,945
Minnesota	269,878
Mississippi	21,186
Missouri	167,740
Montana	7,796
Nebraska	165,521
Nevada	25,011
New Hampshire	41,341
New Jersey	121,562
New Mexico	19,600
New York	195,143
North Carolina	281,147
North Dakota	36,836
Ohio	345,059

State	Total Apportionment
Oklahoma	$78,638
Oregon	41,959
Pennsylvania	31,009
Rhode Island	58,569
South Carolina	119,465
South Dakota	24,500
Tennessee	340,064
Texas	386,910
Utah	21,410
Vermont	33,256
Virginia	189,529
Washington	95,915
West Virginia	240,323
Wisconsin	508,379
Wyoming	6,950
Guam	----------
Puerto Rico	106,364
Virgin Islands	----------
Samoa, American	----------
Trust Territories	5,502
Total	8,302,187

(Sec. 13, 82 Stat. 117; 42 U.S.C. 1761)

Dated: July 30, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-9091; Filed, Aug. 1, 1969; 8:46 a.m.]

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

[Lemon Reg. 385]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.685 Lemon Regulation 385.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 29, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 3, 1969, through August 9, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: July 31, 1969.

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

[F.R. Doc. 69-9161; Filed, Aug. 1, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

EXTRATERRESTRIAL EXPOSURE

New § 1204.510 is added, reading as follows:

§ 1204.510 Power and authority—to exercise authority with respect to extraterrestrial exposure.

(a) *Redelegation.* The Director of Space Medicine is redelegated authority pursuant to § 1204.509 to execute, within the assigned program responsibility of the Associate Administrator for Manned Space Flight, the administrative actions specified in § 1211.104(a) of this chapter, subject to the limitations prescribed in Part 1211 of this chapter.

(b) *Further redelegation.* Authority may be redelegated in writing to subordinate officials with the power of further redelegation.

(c) *Reporting.* The officials to whom authority is redelegated in this section shall ensure that feedback is provided to the Administrator through official channels to keep him fully and currently informed of significant actions, problems, or other matters of substance related to the exercise of the authority redelegated hereunder.

Effective date. The provisions of this § 1204.510 were effective July 23, 1969.

FRANK A. BOGART,
Acting Associate Administrator, Office of Manned Space Flight.

[F.R. Doc. 69-9170; Filed, Aug. 1, 1969; 10:59 a.m.]

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

EXTRATERRESTRIAL EXPOSURE

New § 1204.511 is added, reading as follows:

§ 1204.511 Power and authority—to exercise authority with respect to extraterrestrial exposure.

(a) *Redelegations.* (1) The Director of the Manned Spacecraft Center is redelegated authority pursuant to § 1204.510 to execute the administrative actions specified in § 1211.104(a) (5), (6), and (9) of this chapter, subject to the following limitations:

(i) Actions taken under this authority shall be subject to review by the delegating authority.

(ii) The provisions of § 1211.104(a)(9) of this chapter apply to those authorities delegated.

(2) The Director of Medical Research and Operations, Manned Spacecraft Center is redelegated authority pursuant to § 1204.510 to execute the administrative actions specified in § 1211.104(a) (2), (3), (4), and (9) of this chapter, subject to the following limitations:

(i) Actions taken under this authority shall be subject to review by the delegating authority.

(ii) The provisions of § 1211.104(a) (9) of this chapter apply only to those authorities delegated.

(3) The authority to approve release of person, property, animal or other form of life or matter whatever is not redelegated.

(b) *Further redelegation.* The authorities granted in paragraph (a) of this section may be redelegated in writing to subordinate officials without power of further redelegation.

(c) *Reporting.* The officials to whom authority is redelegated in this section will take the necessary action to insure that the Office of Space Medicine, OMSF, NASA Headquarters, is fully and currently informed of significant problems, actions, and/or other matters of substance related to the exercise of authority redelegated hereunder. Copies of redelegations of authority will be provided to the Director of Space Medicine, NASA Headquarters.

Effective date. The provisions of § 1204.511 were effective July 24, 1969.

J. W. HUMPHREYS, Jr.,
Major General, U.S. Air Force,
MC, Director, Space Medicine.

[F.R. Doc. 69-9171; Filed, Aug. 1, 1969; 10:59 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 0—STANDARDS OF CONDUCT

Miscellaneous Amendments

To provide that the Department Counselor shall receive and retain custody of all statements of employment and financial interests, to set forth the provisions of 18 U.S.C. 208, to modify the method of designating liaison representatives of the Department, and to make miscellaneous minor corrections and conforming amendments, Part 0 of Subtitle A of Title 24 of the Code of Federal Regulations (33 F.R. 15114, Oct. 10, 1968) is amended as follows:

1. Section 0.735–102(c) is revised by deleting "consecutive" from "130 consecutive days" and inserting "consecutive" between "365" and "days". As amended, paragraph (c) reads:

§ 0.735–102 Definitions.

* * * * *

(c) "Special Government employee" means an officer or employee of the Department appointed to serve with or without compensation, for not more than 130 days during any period of 365 consecutive days, on a full-time, part-time, or intermittent basis, and who is retained, designated, appointed, or employed as a special Government employee under the provisions of section 202 of title 18 of the United States Code.

* * * * *

2. Section 0.735–104(b) is revised by deleting the words "and other legal staff of the Department". As amended, paragraph (b) reads:

§ 0.735–104 Interpretation and advisory service.

* * * * *

(b) *Deputy counselors.* Such deputy counselors as may be required shall be designated by the Secretary or his designee from among the staff of the Office of the General Counsel to give authoritative advice and guidance to current and prospective employees and special Government employees who seek advice and guidance on questions of conflicts of interests and on other matters covered by this part.

3. Section 0.735–105(b) is revised to read:

§ 0.735–105 Reviewing statements and reporting conflicts of interests.

* * * * *

(b) When a statement submitted under Subpart D of this part and the appendix to this part or information from other sources indicates a conflict between the interests of an employee or special Government employee and the performance of his services for the Government and when the conflict or appearance of conflict is not resolved by the Department Counselor, he shall report the information concerning the conflict or appearance of conflict to the Secretary.

* * * * *

4. Section 0.735–205 is revised by redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b) to read:

§ 0.735–205 Financial interests.

* * * * *

(b) (1) No employee, including a special Government employee, may participate as such in any matter in which to his knowledge he, his spouse, minor child, organization in which he is serving as an officer, director, trustee, partner, or employee, or a partner has a financial interest. He must also not participate in any matter in which to his knowledge a person, business, or nonprofit organization with whom he is seeking, or has an arrangement for, employment has a financial interest (18 U.S.C. 208(a)).

(2) An exemption from subparagraph (1) of this paragraph may be made when the employee makes full disclosure of the outside financial interest to the Secretary and receives in advance a written determination by the Secretary that such interest is not so substantial as to affect the integrity of his services (18 U.S.C. 208(b)). Such disclosures and requests for exemption shall be forwarded through the Department Counselor.

* * * * *

5. Section 0.735–212(b) is revised in part to read:

§ 0.735–212 Membership in organizations.

* * * * *

(b) An employee may be designated in writing to serve as a liaison representative of the Department to a non-Federal or private organization when the Secretary, the Under Secretary, an Assistant Secretary, the General Counsel, or a Regional Administrator, as appropriate, has determined that such service would be beneficial to the Department and provided that:

* * * * *

6. Section 0.735–305(a) is revised by inserting a reference to the new § 0.735–205(b) to read:

§ 0.735–305 Applicability of other provisions.

(a) Each special Government employee is subject to the provisions of §§ 0.735–201, 0.735–205(b), 0.735–206 through 0.735–210, 0.735–212, 0.735–213, 0.735–214, and 0.735–411.

* * * * *

7. Section 0.735–403(a) is revised by inserting "Counselor" after "Department." As amended, paragraph (a) reads in part:

§ 0.735–403 Employees not required to submit statements.

(a) Employees in positions that meet the criteria in § 0.735–401(b) may be excluded from the reporting requirement when the Department Counselor determines that:

* * * * *

8. Section 0.735–404 is revised by deleting paragraphs (c) and (d) and substituting the following paragraph (c); paragraph (a) is amended to conform with this revision. As amended, §§ 0.735–404 (a) and (c) read:

§ 0.735–404 Time and place for submission of employees' statements.

(a) An employee required to submit a statement of employment and financial interests pursuant to § 0.735–401 and the appendix to this part shall submit that statement on Form HUD–844 (Revised) to the official designated in paragraph (c) of this section not later than:

(1) Ninety days after the effective date of this part if employed on or before that effective date; or

(2) Thirty days after his entrance on duty, but not earlier than 90 days after the effective date, if appointed after that effective date.

* * * * *

(c) All employees shall submit their statements directly to the General Counsel of the Department as Department Counselor for review and custody. Such statements shall be enclosed in sealed envelopes marked "Standards of Conduct—Department Counselor: Administratively Confidential". Statements previously submitted to other than the Department Counselor for review shall be transferred to the Department Counselor for custody.

(d) [Deleted]

9. Section 0.735–405(a) is revised by deleting from the first sentence the words "to the appropriate reviewing official as described in § 0.735–404" and

inserting "to the Department Counselor". As amended, § 0.735–405(a) reads:

§ 0.735–405 Supplementary statements.

(a) Changes in, or additions to, the information contained in an employee's statement shall be reported to the Department Counselor in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required.

* * * * *

10. Section 0.735–409(b) is revised to read:

§ 0.735–409 Confidentiality of employees' statements.

* * * * *

(b) For the purpose of carrying out the provisions of paragraph (a)(1) of this section, the Department Counselor shall review and retain employees' statements.

11. Section 0.735–411(a) is revised to read:

§ 0.735–411 Specific provisions for special Government employees.

(a) Except as provided in paragraph (c) of this section, each special Government employee shall submit to the Department Counselor for review and custody Form HUD–844–A (Revised), Statement of Employment and Financial Interests.

* * * * *

(18 U.S.C. 201 through 209; E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR 1965 Supp.; 5 CFR 735.104)

These amendments were approved by the Civil Service Commission on June 18, 1969, and are effective on publication in the FEDERAL REGISTER.

RICHARD C. VAN DUSEN,
Under Secretary of Housing and Urban Development.

APPENDIX—LIST OF POSITIONS SUBJECT TO SUBPART D

Officers and employees in the following positions are subject to the provisions of Subpart D of this part:

OFFICE OF THE SECRETARY

Special Assistants to the Secretary.
Federal Insurance Administrator.
Executive Assistant.
Administrative Officer to the Secretary.
Director, Office of Business Participation.

OFFICE OF THE UNDER SECRETARY

Under Secretary.
Deputy Under Secretary.
Special Assistants to the Under Secretary.

OFFICE OF THE GENERAL COUNSEL

General Counsel.
Deputy General Counsels.
Special Assistant to the General Counsel.
Associate General Counsels.
Assistant General Counsels.
Regional Counsels.

ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY

Assistant Secretary.
Deputy Assistaht Secretary for Equal Opportunity.
Director, Office of Equal Housing Opportunity.

ASSISTANT SECRETARY FOR MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

Assistant Secretary.
Executive Assistant Commissioner.
Assistant Commissioner for Field Operations.
Assistant Commissioner for Technical Standards.
Assistant Commissioner for Multifamily Housing.
Assistant Commissioner for Programs.
Assistant Commissioner for Home Mortgages.
Assistant Commissioner for Administration.
Assistant Commissioner for Property Disposition.
Assistant Commissioner for Property Improvement.
Assistant Commissioner-Comptroller.
Director, Low and Moderate Income Housing Division.
Administrator, Office of Interstate Land Sales Registration.
Deputy Administrator, Office of Interstate Land Sales Registration.
Director, Administrative Proceedings Division.
Director, Examination Division.
Deputy Assistant Commissioner for Technical Standards.
Deputy Assistant Commissioner for Programs.
Deputy Assistant Commissioner for Multifamily Housing.
Director, Project Mortgage Servicing Division.
Director, Project Mortgage Insurance Division.
Director, Architectural Division.
Director of Compliance Coordination.
Director, Management Division.
Supervisory Contract Specialist (Chief, Contracting Section).
Director, New York Multifamily Housing Insuring Office.
Director, Insuring Office.
Deputy Director, Insuring Office.
Assistant Director, Insuring Office.[1]
Assistant Director (Chief of Operations).[1]
Chief Underwriter.[1]
State Director (New York).
Assistant State Director.
Deputy Assistant Secretary for Mortgage Credit.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

President.
Executive Vice President.
Vice President (Fiscal Management).
Secretary-Treasurer.
Controller.

ASSISTANT SECRETARY FOR METROPOLITAN DEVELOPMENT

Assisant Secretary.
Deputy Assistant Secretary for Metropolitan Development.
Director, Office of Small Town Services.
Director, Office of Plans, Programs and Evaluation.
Director, Community Resources Development Administration.
Deputy Director, Community Resources Development Administration.
Deputy Director, Program Operations Division.
Director, Community Facilities Division.
Deputy Director, Community Facilities Division.
Director, Land Development Division.
Deputy Director, Land Development Division.
Director, New Communities Division.
Deputy Director, New Communities Division.
Director, Engineering Division.
Director, Water Resources Division.
Director, Finance Division.
Director, Office of Urban Transportation Development and Liaison.
Deputy Director, Office of Urban Transportation Development and Liaison.

[1] See § 0.735–401(d).

Director, Systems Research and Development Division.
Director, Transportation Planning and Coordination Division.
Director, Office of Planning Standards.
Deputy Director, Office of Planning Standards.
Director, Planning Requirements Division.
Director, Planning Review Division.
Director, Metropolitan Area Analysis Division.
Director, Urban Management Assistance Administration.
Deputy Director, Urban Management Assistance Administration.
Director, Planning Assistance Division.
Deputy Director, Planning Assistance Division.
Director, Division of State and Local Relations.
Deputy Director, Division of State and Local Relations.
Director, Community Development Training Division.
Deputy Director, Community Development Training Division.
Director, Program Operations Division.
Director, Clearinghouse Services Division.

ASSISTANT SECRETARY FOR MODEL CITIES AND GOVERNMENTAL RELATIONS

Assistant Secretary.
Deputy Assistant Secretary for Model Cities and Governmental Relations.
Director, Federal Relations Staff.
Director, Defense Planning Staff.

Model Cities Administration

Director, Model Cities Administration.
Deputy Director, Model Cities Administration.
Director, Division of Program Development and Evaluation.
Director, Division of Program Operations and Technical Assistance.
Staff Director, Neighborhood Centers Staff.

ASSISTANT SECRETARY FOR RENEWAL AND HOUSING ASSISTANCE

Assistant Secretary.
Deputy Assistant Secretary for Renewal and Housing Assistance.
Assistant for Problems of the Elderly and Handicapped.
Director, Office of Community Development.
Director, Relocation Staff.
Director, Plans, Programs and Evaluation Staff.
Director, Operational Services Division.
Chief, Project Financing Branch.
Deputy Chief, Project Financing Branch.

Renewal Assistance Administration

Deputy Assistant Secretary for Renewal Assistance.
General Deputy, Renewal Assistance.
Director, Neighborhood Programs Division.
Director, Redevelopment Division.
Director, Rehabilitation and Codes Division.
Director, Community Renewal Program Division.
Director, Program Development Division.
Director, Program Management Division.
Director, Surplus Land for Community Development Division.

Housing Assistance Administration

Deputy Assistant Secretary for Housing Assistance.
General Deputy, Housing Assistance.
Director, Program Development Division.
Director, Production Division.
Director, Tenant Services Division.
Supply Management Officer, Tenant Services Division.
Director, Technical Services Division.
Director, College Housing Loans Staff.

ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Assistant Secretary.
Assistant Director for Research Planning and Coordination.
Administrative Officer.
Director, Utilities Technology.
Director, Building Technology.
Director, Low-Income Housing Demonstration Program.
Director, Urban Renewal Demonstration Program.
Director, Urban Planning Research and Demonstration Program.
Director, City and Regional Administration Research.
Director, Social Research.
Program Manager, "In-Cities" Project.

ASSISTANT SECRETARY FOR ADMINISTRATION

Assistant Secretary.
Deputy Assistant Secretary for Administration.
Director, Financial Systems and Services.
Director, Office of General Services.
Deputy Director, Office of General Services.
Director, Contracts and Agreement Division, Office of General Services.
Assistant Director, Contracts and Agreements Division, Office of General Services.
Director, Supply and Facilities Management Division, Office of General Services.
Assistant Director, Supply and Facilities Management Division, Office of General Services.
Director, Office of Audit.
Deputy Director, Office of Audit.
Regional Audit Managers, Office of Audit.
Director, Office of Investigation.
Deputy Director, Office of Investigation.
Investigation Field Directors.

REGIONAL OFFICES OF THE DEPARTMENT

Regional Administrator.
Deputy Regional Administrator.
Assistant Regional Administrator for Model Cities.
Director, Southwest Area Office, Los Angeles, California.

Program Coordination and Services Office

Assistant Regional Administrator for Program Coordination and Services.
Director, Planning Division.
Director, Economic and Market Analysis Division.
Director, Relocation Division.

Federal Housing Administration Office

Assistant Regional Administrator for FHA.
Director, Project Review Division.
Director, Low-Income Housing and Rent Supplement Division.
Director of Regional Advisory and Technical Services.

Metropolitan Development

Assistant Regional Administrator for Metropolitan Development.
Deputy Assistant Regional Administrator for Metropolitan Development.
Director, Program Field Service Division.
Chief, Engineering Branch.

Housing Assistance Office

Assistant Regional Administrator for Housing Assistance.
Deputy Assistant Regional Administrator for Housing Assistance.
Director, Production Division.
Director, Special Loans Division.
Chief, College Housing Loans Branch.
Chief, Elderly Housing Programs Branch.
Director, Tenant and Operations Services Division.
Director, Technical Services Division.

Renewal Assistance Office

Assistant Regional Administrator for Renewal Assistance.
Deputy Assistant Regional Administrator for Renewal Assistance.
Director, Field Services Division.
Director, Neighborhood Facilities Program.
Chief, Rehabilitation Loan and Grant Branch.
Chief, Acquisition Branch.
Chief, Land Marketing and Redevelopment Branch.
Chief, Project Planning and Engineering Branch.

Equal Opportunity Office

Assistant Regional Administrator for Equal Opportunity.
Deputy Assistant Regional Administrator for Equal Opportunity.
Director, Conciliation and Investigation Division.

Northwest Area Office, Seattle, Wash.

Director, Northwest Area Office.
Deputy Director, Northwest Area Office.
Director, Metropolitan Development Division.
Director, Housing Assistance Division.
Chief, Administration Branch.

[F.R. Doc. 69-9094; Filed, Aug. 1, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 43a—INDEBTEDNESS OF MILITARY PERSONNEL

The Deputy Secretary of Defense approved the following:

Sec.
43a.1 Purpose and applicability.
43a.2 Explanation of terms.
43a.3 Policy.
43a.4 Procedures.
43a.5 Debt processing requirements.
43a.6 Abuse of the processing privilege.
43a.7 Full disclosure and standards of fairness by creditors.
43a.8 Certificate of compliance.
43a.9 Standards of fairness.
43a.10 Effective date and implementation.

AUTHORITY: The provisions of this Part 43a issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 43a.1 Purpose and applicability.

This Part 43a incorporates provisions of Public Law 90-321 to establish Department of Defense guidelines to be followed by the Military Departments in handling and processing claims of delinquent indebtedness against military members of the Armed Forces. Its provisions do not cover claims for support of dependents, or claims by the Federal, State, or municipal government.

§ 43a.2 Explanation of terms.

(a) "Just financial obligations," refers to a legal debt acknowledged by the military member in which there is no reasonable dispute as to the facts of the law; or one reduced to judgment which conforms to the Soldiers' and Sailors' Civil Relief Act if applicable.

(b) "A proper and timely manner," means a manner, as determined by the Military Department concerned, which does not under the circumstances reflect discredit on the military service.

§ 43a.3 Policy.

(a) A member of the Armed Forces is expected to pay his just financial obligations in a proper and timely manner. However, the Military Departments have no legal authority to require a member to pay a private debt or to divert any part of his pay for its satisfaction, even though the indebtedness may have been reduced to judgment by a civil court. The enforcement of the private obligations of a military member is a matter for civil authorities.

(b) The processing of debt complaints will not be extended to those who have not made a bona fide effort to collect the debt directly from the military member, whose claims are patently false and misleading, or whose claims are obviously exorbitant. (Claimants desiring to contact a military member about his indebtedness may obtain the member's address by writing to the locator service of the Military Department concerned, and enclosing $1.50 as a fee for the service, as provided under Part 288 of Subchapter P of this chapter.)

§ 43a.4 Procedures.

(a) Indebtedness complaints which meet the requirements of this part will be processed by the Military Service concerned. "Processed" means such administrative procedures as will result in the following actions:

(1) A review of all available facts surrounding the transaction forming the basis of the complaint, the member's legal rights and obligations, and any defenses or counterclaims the member may have. It also includes a review of the member's overall financial situation throughout the life of the obligation on which the complaint is based.

(2) The member being advised as to what actions he should take to comply with the policy, and that he is expected to pay his just financial obligations in a proper and timely manner. Further, the member will be advised of the counselling services available under the Legal Assistance program.

(3) A response by the appropriate commander advising the claimant of the DoD policy as to private indebtedness, and that the member concerned has been advised accordingly. The commander's response will not undertake to arbitrate any disputed debt, or to admit or deny the validity of the claim. Under no circumstances will it indicate whether any action has been taken against the member as a result of the complaint.

(b) It is incumbent on those submitting indebtedness complaints to show that the disclosure requirements of Public Law 90-321 and Regulation Z have been met and that the Standards of Fairness (§ 43a.9) have been applied.

§ 43a.5 Debt processing requirements.

(a) Creditors subject to Regulation Z, and assignees claiming thereunder, shall submit with their request for debt processing assistance an executed copy of the Certificate of Compliance (§ 43a.8) and a true copy of the general and specific disclosures provided the military member as required by Public Law 90–321. Requests which do not meet these requirements will be returned without action to the claimant.

(b) A creditor not subject to Regulation Z, such as a public utility company (as set forth in § 226.3 of this chapter), shall submit with the request a certification that no interest, finance charge or other fee is in excess of that permitted by the law of the State in which the obligation was incurred.

(c) A foreign-owned company having debt complaints shall submit with their request a true copy of the terms of the debt (English translation) and shall certify that they have subscribed to the Standards of Fairness (§ 43a.9).

§ 43a.6 Abuse of the processing privilege.

The Military Departments may promulgate such policies and procedures as will deny to any claimant the processing of his claim where

(a) A claimant, having been notified of the requirements of this part, refuses or repeatedly fails to comply with them; or

(b) A claimant, no matter what the merits of his claim, has clearly shown that he is attempting to make unreasonable use of the processing privilege.

§ 43a.7 Full disclosure and standards of fairness by creditors.

(a) Public Law 90–321 prescribes the general disclosure requirements which must be met by those offering or extending consumer credit, and Regulation Z prescribes the specific disclosure requirements for both open-end and installment credit transactions. In lieu of Federal Government requirments, State regulations apply to credit transactions when the Federal Reserve Board has determined that the State regulations impose substantially similar requirements and provide adequate enforcement measures. Regulations of the Federal Reserve Board should be checked to determine whether Federal or State laws and regulations govern.

(b) Banks and credit unions operating on military installations shall conform to the Standards of Fairness (§ 43a.9) before executing the loan or credit agreement. (See Part 230 of Subchapter M of this chapter.) Should an on-base bank or credit union refer a prospective borrower to an off-base bank or credit union belonging to the same bank or credit union system, it shall advise the latter that the Department of Defense requires compliance with the Standards of Fairness before executing the loan or credit agreement.

(c) The following banks and credit unions will be denied debt processing assistance if they do not apply the Standards of Fairness (§ 43a.9) to the loan or credit agreement: (1) Credit unions chartered to serve DoD personnel but operating off the installation and (2) any banks, wherever located, which have branch banks operating on a military installation.

§ 43a.8 Certificate of compliance.[1]

I certify that the _____
(Name of Creditor)

upon extending credit to _____
(Name of Obligor)

_____ on _____ complied with the
(Date)

full disclosure requirements of the Truth-in-Lending Act and Regulation Z (or the laws and regulations of State of _____), and that the attached statement is a true copy of the general and specific disclosures provided the obligor as required by law.

I further certify that the Standards of Fairness set forth in § 43a.9 have been applied to the consumer credit transaction to which this form refers. (If the unpaid balance has been adjusted as a consequence, the specific adjustments in the finance charge and the annual percentage rate should be set forth below.)

_____
(Adjustments)

_____

_____

_____
(Date of Certification)

_____
(Signature of Creditor or Authorized Representative)

_____
(Street)

_____
(City, State and Zip Code)

§ 43a.9 Standards of fairness.[1]

(a) No finance charge contracted for, made, or received under any contract shall be in excess of the charge which could be made for such contract under the law of the place in which the contract is signed in the United States by the serviceman. In the event a contract is signed with a U.S. company in a foreign country, the lowest interest rate of the State or States in which the company is chartered or does business shall apply.

(b) No contract or loan agreement shall provide for an attorney's fee in the event of default unless suit is filed in which event the fee provided in the contract shall not exceed 20 percent of the obligation found due. No attorney fees shall be authorized if he is a salaried employee of the holder.

(c) In loan transactions, defenses which the debtor may have against the original lender or its agent shall be good against any subsequent holder of the obligation. In credit transactions, defenses against the seller or its agent shall be good against any subsequent holder of the obligation provided that the holder had actual knowledge of the defense or under condition where reasonable inquiry would have apprised him of this fact.

(d) The debtor shall have the right to remove any security for the obligation beyond state or national boundaries if he or his family moves beyond such boundaries under military orders and notifies the creditor, in advance of the removal, of the new address where the security will be located. Removal of the security shall not accelerate payment of the obligation.

(e) No late charge shall be made in excess of 5 percent of the late payment, or $5 whichever is the lesser amount. Only one late charge may be made for any tardy installment. Late charges will not be levied where an allotment has been timely filed, but payment of the allotment has been delayed.

(f) The obligation may be paid in full at any time or through accelerated payments of any amount. There shall be no penalty for prepayment and in the event of prepayment that portion of the finance charges which have inured to the benefit of the seller or creditor shall be prorated on the basis of the charges which would have been ratably payable had finance charges been calculated and payable as equal periodic payments over the terms of the contract and only the prorated amount to the date of prepayment shall be due. As an alternative the "Rule of 78" may be applied, in which case its operation shall be explained in the contract.

(g) No charge shall be made for an insurance premium or for finance charges for such premium unless satisfactory evidence of a policy, or insurance certificate where state insurance laws or regulations permit such certificates to be issued in lieu of a policy, reflecting such coverage has been delivered to the debtor within 30 days after the specified date of delivery of the item purchase or the signing of a cash loan agreement.

(h) If the loan or contract agreement provides for payments in installments, each payment, other than the down payment, shall be in equal or substantially equal amounts, and installments shall be successive and of equal or substantially equal duration.

(i) If the security for the debt is repossessed and sold in order to satisfy or reduce the debt, the repossession and resale will meet the following conditions: (1) The defaulting purchaser will be given advance written notice of the intention to repossess; (2) following repossession, the defaulting purchaser will be served a complete statement of his obligations and adequate advance notice of the sale; (3) he will be permitted to redeem the item by payment of the amount due before the sale, or in lieu thereof submit a bid at the sale; (4) there will be a solicitation for a minimum of three sealed bids unless sold at auction; (5) the party holding the security, and all agents thereof, are ineligible to bid; (6) the defaulting purchaser will be charged only those charges which are reasonably necessary for storage, reconditioning and resale and (7) he shall be provided a written detailed statement of his obligations, if any, following the resale and promptly refunded any credit balance due him, if any.

[1] This form may be reproduced locally.

(j) A contract for personal goods and services may be terminated at any time before delivery of the goods or services without charge to the purchaser. However, if goods made to the special order of the purchaser result in preproduction costs, or require preparation for delivery, such additional costs will be listed in the order form or contract. No termination charge will be made in excess of this amount. Contracts for delivery at future intervals may be terminated as to the undelivered portion, and the purchaser shall be chargeable only for that proportion of the total cost which the goods or services delivered bear to the total goods called for by the contract. (This is in addition to the right to rescind certain credit transactions involving a security interest in real estate provided by section 125 of Public Law 90-321 and § 226.9 of Regulation Z of this chapter.)

§ 43a.10 Effective date and implementation.

(a) This part is effective July 1, 1969, and will be published in the FEDERAL REGISTER. Claims based on obligations incurred on or after that date must be accompanied by an executed copy of § 43a.8. Claims based on obligations incurred before that date may be accepted if the requirements of Part 43 of this subchapter have been observed.

(b) Two copies of each Military Department regulation implementing this part will be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within sixty (60) days, and will be published in the FEDERAL REGISTER.

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

[F.R. Doc. 69-9081; Filed, Aug. 1, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69-76]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Middle River, Calif.

1. The San Joaquin County Department of Public Works, by letter dated May 7, 1969, requested the Commander, 12th Coast Guard District to revise the operation regulations for their drawbridge across Middle River at mile 5.6 between Bacon Island and Lower Jones Tract near Stockton, Calif. A public notice dated May 21, 1969, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 12th Coast Guard District and was made available to all persons known to have an interest in this subject.

2. After consideration of all comments submitted in response to this proposal the revision is accepted. Accordingly, § 117.714(c)(1) is revised to read as follows:

§ 117.714 San Joaquin River and its tributaries, Calif.

* * * * *

(c) *Middle River*—(1) *San Joaquin County highway bridge between Bacon Island and Lower Jones Tract.* From May 15 through September 15, the draw shall be opened promptly on signal from 9 a.m. to 5 p.m. From September 16 through May 14, the draw shall be opened promptly on signal from 9 a.m. to 5 p.m. from Thursday through Monday, at all other times at least 12 hours' advance notice is required to be given to the San Joaquin County Department of Public Works.

* * * * *

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

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

Dated: July 28, 1969.

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

[F.R. Doc. 69-9107; Filed, Aug. 1, 1969; 8:47 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Interference Practice

Notice of proposed rule making regarding changes in the rules of the Patent Office relating to interference practice was published in the FEDERAL REGISTER of December 28, 1968 (33 F.R. 19949). Interested persons were invited to submit written comments, suggestions, or objections, and to attend a hearing scheduled for April 1, 1969.

Full consideration has been given to the comments and testimony received and changes in the text of the original proposal have been effected where appropriate.

In consideration of the foregoing, and pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), Part 1 of Title 37, Code of Federal Regulations, is hereby amended as follows:

1. Paragraph (b) of § 1.55 is amended by deleting from the third sentence the words "when specified in §§ 1.216 and 1.224" and inserting in lieu thereof "(§ 1.224)". As thus amended, paragraph (b) reads as follows:

§ 1.55 Serial number and filing date of application.

* * * * *

(b) An applicant may claim the benefit of the filing date of a prior foreign application under the conditions specified in 35 U.S.C. 119. The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath as required by § 1.65. The claim for priority and the certified copy of the foreign application specified in the second paragraph of 35 U.S.C. 119 must be filed in the case of interference (§ 1.224); when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner; and in all other cases they must be filed not later than the date the final fee is paid. If the papers filed are not in the English language, a translation need not be filed except in the three particular instances specified in the preceding sentence, in which event a sworn translation or a translation certified as accurate by a sworn or official translator must be filed.

2. Paragraph (c) of § 1.204 is revised to read as follows:

§ 1.204 Interference with a patent; affidavit by junior applicant.

* * * * *

(c) When the effective filing date of an applicant is more than 3 months subsequent to the effective filing date of the patentee, the applicant, before the interference will be declared, shall file two copies of affidavits by himself, if possible, and by one or more corroborating witnesses, supported by documentary evidence if available, each setting out a factual description of acts and circumstances performed or observed by the affiant, which collectively would prima facie entitle him to an award of priority with respect to the effective filing date of the patent. This showing must be accompanied by an explanation of the basis on which he believes that the facts set forth would overcome the effective filing date of the patent. Failure to satisfy the provisions of this section may result in summary judgment against the applicant under § 1.228. Upon a showing of sufficient cause, an affidavit on information and belief as to the expected testimony of a witness whose testimony is necessary to overcome the filing date of the patent may be accepted in lieu of an affidavit by such witness. If the examiner finds the case to be otherwise in condition for the declaration of an interference he will consider this material only to the extent of determining whether a date prior to the effective filing date of the patent is alleged, and if so, the interference will be declared.

3. Paragraph (b) of § 1.215 is amended by deleting the words "including any" after "preliminary statement", second occurrence, and inserting in lieu thereof the words "and all". As thus amended, paragraph (b) reads as follows:

§ 1.215 Preliminary statement required.

* * * * *

(b) A party who files a preliminary statement shall at the same time notify all opposing parties of that fact and by the time set for that purpose he shall serve a copy of his preliminary statement and all attached documents on every opposing party from whom he has received notification of the filing of a statement.

* * * * *

4. Paragraph (a) of § 1.216 is amended by deleting from the second sentence "including a brief statement as to the specific nature of each of the respective acts alleged"; and paragraph (b) of § 1.216 is amended by adding at the end thereof the reference "(See § 1.223(c).)". As thus amended, the introductory text of paragraph (a) and paragraph (b) reads as follows:

§ 1.216 Contents of the preliminary statement.

(a) The preliminary statement must state that the party made the invention set forth by each count of the interference, and whether the invention was made in the United States or abroad. When the invention was made in the United States the preliminary statement must set forth as to the invention defined by each count the following facts:

* * * * *

(b) When an allegation as to the first drawing (paragraph (a)(1) of this section) and/or as to the first written description (paragraph (a)(2) of this section) is made, a copy of such drawing and/or written description must be attached to the statement. (See § 1.223(c).)

* * * * *

5. Paragraph (a)(1) of § 1.217 is amended by striking the period at the end thereof, and adding "and documentary attachments if the allegations relate to a drawing or written description.". As thus amended, paragraph (a)(1) reads as follows:

§ 1.217 Contents of the preliminary statement; invention made abroad.

(a) * * *

(1) When the invention was introduced into this country by or on behalf of the party, giving the circumstances with the dates connected therewith which are relied upon to establish the fact and, when appropriate, including allegations of activity in this country of the nature of that represented by § 1.216(a) (1) to (6) and documentary attachments if the allegations relate to a drawing or written description.

* * * * *

6. Section 1.222 is revised to read as follows:

§ 1.222 Correction of statement on motion.

In case of material error arising through inadvertence or mistake, the statement or attachments may be corrected or omitted attachments may be supplied on motion (see § 1.243), upon a satisfactory showing that such action is essential to the ends of justice. The motion must be made, if possible, before the taking of any testimony, and as soon as practicable after the discovery of the error.

7. Paragraphs (a) and (c) of § 1.223 are revised to read as follows:

§ 1.223 Effect of statement.

(a) The preliminary statement should be carefully prepared, as a party will not be allowed to amend his statement in any way except by motion under § 1.222, and any doubts as to definiteness or sufficiency of any allegation or compliance with formal requirements will be resolved against the party concerned by restriction to his effective filing date or to the latest date of a period alleged as may be appropriate. Prior to final hearing a party will not be notified of any defect in his statement except that a junior party, subject to restriction resulting from such a defect and by virtue of that restriction being subject to judgment under § 1.225, will be notified of that defect and also notified that judgment on the record will be entered against him at the expiration of a time set, not less than 30 days, unless cause be shown why judgment should not be entered. Each of the parties by whom or on whose behalf a preliminary statement is made will be strictly held in his proofs to the dates set forth therein. This includes joint applicants or patentees; a new preliminary statement will not be received in the event the application is amended or the patent is corrected to remove the names of those not inventors, nor will a preliminary statement alleging different dates be received if an application is amended or a patent is corrected to include a joint inventor, except by motion under § 1.222.

* * * * *

(c) If a party to an interference fails to file a statement, testimony will not be received subsequently from him to prove that he made the invention at a date prior to his effective filing date. If a party alleges in his statement a date of first drawing or first written description but does not attach a copy of such drawing or written description as required by § 1.216(b), he will be restricted to his effective filing date as to that allegation unless such copy is admitted by motion under § 1.222.

* * * * *

8. Section 1.224 is revised to read as follows:

§ 1.224 Reliance on prior application.

A party will not be permitted to rely on any prior application to obtain the benefit of its filing date unless the prior application is specified in the notice of interference (see § 1.226) or its benefit is sought by a motion filed in accordance with § 1.231. In the latter case, complete copies of the contents of the application file the benefit of which is sought, except affidavits under §§ 1.131, 1.202, and 1.204, must be served on all opposing parties with the motion, and in the case of a foreign application the necessary papers to prove a date of priority under 35 U.S.C. 119 including a translation where required (§ 1.55), must be filed and copies served on all opposing parties with the motion except for such papers as were of record in the involved application when the interference was declared. In either case proof of service required by § 1.247 must include reference to the prior application as well as the motion or, in the case of the stated exception, note that the papers in question were of record when the interference was declared.

9. Section 1.228 is revised to read as follows:

§ 1.228 Summary judgment.

When an interference is declared on the basis of a showing under § 1.204(c), such showing will be examined by an Examiner of Interferences. If the Examiner considers that the facts set out in the showing provide sufficient basis for the interference to proceed, the interference will proceed in the normal manner as provided by the rules in this part; otherwise an order shall be entered concurrently with the notice of interference pointing out wherein the showing is insufficient and notifying the applicant making such showing that summary judgment will be rendered against him because of such insufficiency at the expiration of a period specified in the notice, not less than 30 days, unless cause be shown why such action should not be taken. In the absence of a showing of good and sufficient cause, judgment shall be so rendered. Any response made during the specified period will be considered by a Board of Patent Interferences without an oral hearing unless such hearing is requested by the applicant, but additional affidavits or exhibits will not be considered unless accompanied by a showing in excuse of their omission from the original showing. If the applicant files a response to the order to show cause, the patentee will be furnished with one copy of the showing under § 1.204(c) and will be allowed not less than 30 days from its mailing date within which to present his views with respect thereto. He shall also be entitled to be represented at any oral hearing on the matter. The Board will determine, on the basis of the original showing and the response made, whether the interference should be allowed to proceed or summary judgment should be entered against the junior applicant.

10. Paragraphs (a) and (d) of § 1.231 are revised to read as follows:

§ 1.231 Motions before the primary examiner.

(a) Within the period set in the notice of interference for filing motions any party to an interference may file a motion seeking:

(1) To dissolve as to one or more counts, except that such motion based on facts sought to be established by affidavits or evidence outside of official records and printed publications will not

normally be considered, and when one of the parties to the interference is a patentee, no motion to dissolve on the ground that the subject matter of the count is unpatentable to all parties or is unpatentable to the patentee will be considered, except that a motion to dissolve as to the patentee may be brought which is limited to such matters as may be considered at final hearing (§ 1.258). Where a motion to dissolve is based on prior art, service on opposing parties must include copies of such prior art. A motion to dissolve on the ground that there is no interference in fact will not be considered unless the interference involves a design or plant patent or application or unless it relates to a count which differs from the corresponding claim of an involved patent or of one or more of the involved applications as provided in §§ 1.203(a) and 1.205(a).

(2) To amend the issue by addition or substitution of new counts. Each such motion must contain an explanation as to why a count proposed to be added is necessary or why a count proposed to be substituted is preferable to the original count, must demonstrate patentability of the count to all parties and must apply the proposed count to all involved applications except an application in which the proposed count originated.

(3) To substitute any other application owned by him as to the existing issue, or to declare an additional interference to include any other application owned by him as to any subject matter other than the existing issue but disclosed in his application or patent involved in the interference and in an opposing party's application or patent in the interference which should be made the basis of interference with such other party. Complete copies of the contents of such other application, except affidavits under §§ 1.131, 1.202, and 1.204, must be served on all other parties and the motion must be accompanied by proof of such service.

(4) To be accorded the benefit of an earlier application or to attack the benefit of an earlier application which has been accorded to an opposing party in the notice of declaration.

(5) To amend an involved application by adding or removing the names of one or more inventors as provided in § 1.45.

* * * * *

(d) All proper motions as specified in paragraph (a) of this section, or of a similar character, will be transmitted to and considered by the primary examiner without oral argument, except that consideration of a motion to dissolve will be deferred to final hearing before a Board of Patent Interferences where the motion urges unpatentability of a count to one or more parties which would be reviewable at final hearing under § 1.258 (a) and such unpatentability is urged against a patentee or has been ruled upon by the Board of Appeals or by a court in ex parte proceedings. Requests for reconsideration will not be entertained.

* * * * *

11. Section 1.238 is revised to read as follows:

§ 1.238 Addition of new party by examiner.

If during the pendency of an interference, another case appears, claiming substantially the subject matter in issue, the primary examiner should notify the Board of Patent Interferences and request addition of such case to the interference. Such addition will be done as a matter of course by a patent interference examiner, if no testimony has been taken. If, however, any testimony may have been taken, the patent interference examiner shall prepare and mail a notice for the proposed new party, disclosing the issue in interference and the names and addresses of the interferants and of their attorneys or agents, and notices for the interferants disclosing the name and address of the said party and his attorney or agent, to each of the parties, setting a time for stating any objections and at his discretion a time of hearing on the question of the admission of the new party. If the patent interference examiner be of the opinion that the new party should be added, he shall prescribe the conditions imposed upon the proceedings, including a suspension if appropriate.

12. Section 1.252 is amended by adding a new sentence at the end of the section. As thus amended, § 1.252 reads as follows:

§ 1.252 Failure of junior party to take testimony.

Upon the filing of a motion for judgment by any senior party to an interference stating that the time for taking testimony on behalf of any junior party has expired and that no testimony has been taken and no other evidence offered by said junior party, an order shall be entered that the junior party show cause within a time set therein, not less than 10 days, why judgment should not be rendered against him, and in the absence of a showing of good and sufficient cause, judgment shall be so rendered. In the absence of such a motion, if any junior party fails to file an evidentiary record by the date set as provided in § 1.253(d), a patent interference examiner shall enter the order to show cause.

13. Paragraph (a) of § 1.253 is amended by inserting after "(§§ 1.275 to 1.278)" the words "or executed copies of affidavits or stipulated testimony or facts (§ 1.272)", and the last sentence of paragraph (c) of § 1.253 is revised. As thus amended, paragraphs (a) and (c) read as follows:

§ 1.253 Copies of the testimony.

(a) In addition to the certified transcript of the testimony (§§ 1.275 to 1.278) or executed copies of affidavits or stipulated testimony or facts (§ 1.272), three true copies of the record of each party must be filed for the use of the Patent Office (a total of four copies), and one true copy of the record must be served upon each of the opposing parties.

* * * * *

(c) These records, whether printed or typewritten, must include the testimony presented by the party filing the same. A copy of the counts of the interference and the preliminary statement required by §§ 1.215 to 1.227 must be included. Each record must contain an index of the names of the witnesses, giving the pages where their examination and cross-examination begin, and an index of the exhibits, briefly describing their nature and giving the pages at which they are introduced and offered in evidence, and also the pages where copies of exhibits are shown when such exhibits are copies in the record. The pages must be serially numbered throughout the entire record and the names of the witnesses must appear at the top of the pages over their testimony.

* * * * *

14. Section 1.254 is revised to read as follows:

§ 1.254 Briefs at final hearing.

Briefs at final hearing before the Board of Patent Interferences shall be submitted in printed form, except that when not in excess of 50 legal-size double-spaced typewritten pages, or the equivalent thereof, and in any other case where satisfactory reason therefor is shown, they may be submitted in typewritten form. If submitted in printed form, they shall be the same in size and the same as to page and print as is specified for printed copies of testimony. Typewritten briefs shall conform to the requirements for typewritten copies of testimony, except that legal-size paper may be used and the binding and covers specified are not required. Every brief of more than 15 pages shall contain a subject index with page references, supplemented by a list of all authorities referred to, together with references to pages thereof. Each party should make a statement in his brief identifying those parts of his record upon which he relies. Three copies of each brief must be filed. The times for filing briefs will ordinarily be set in the order setting times for taking testimony. The brief for the junior party shall present a full and fair statement of the questions involved, including his position with respect to priority evidence on behalf of other parties, and a clear statement of the points of law or fact upon which he relies.

15. Paragraph (a) of § 1.256 is amended by adding a new sentence between the fifth and sixth sentences reading: "A junior party may reserve a portion of his time for rebuttal purposes, but a full and fair opening of his case must be made.". As thus amended, paragraph (a) reads as follows:

§ 1.256 Final hearing.

(a) Final hearings will be held by the Board of Patent Interferences on the day appointed at the designated time. If either party appears at the proper time, he will be heard. After the day of hearing, the case will not be taken up for oral argument except by consent of all parties. If the Board of Patent Interferences be prevented from hearing the case at the time specified, a new assignment will be made, or the case will be continued from day to day until heard. Unless it shall be otherwise ordered before the hearing begins, oral arguments will be limited to not more than 1 hour for each party. A junior party may reserve a portion of his time for rebuttal purposes, but a full and fair opening of his case must be made. After a contested case has been argued, nothing further relating thereto will be heard unless upon request of the Board of Patent Interferences.

* * * * *

16. Paragraphs (a) and (b) of § 1.258 are revised to read as follows:

§ 1.258 Matters considered in determining priority.

(a) In determining priority of invention, the Board of Patent Interferences will consider only priority of invention on the evidence submitted. Questions of patentability of a claim generally will not be considered in the decision on priority; and neither will the patentability of a claim to an opponent be considered, unless the nonpatentability of the claim to the opponent will necessarily result in the conclusion that the party raising the question is in fact the prior inventor on the evidence before the Office, or relates to matters which have been determined to be ancillary to priority and must be considered. A party shall not be entitled to raise such nonpatentability unless he has duly presented a motion for dissolution under § 1.231 upon such ground or shows good reason (e.g., that such nonpatentability became evident as a result of evidence extrinsic to an involved application) why such a motion was not presented; however, to prevent manifest injustice the Board of Patent Interferences may in its discretion consider a matter of this character even though it was not raised by motion under § 1.231.

(b) At final hearing a party shall not be entitled to urge consideration of a matter relating to the benefit of an earlier application of his own or of another party unless he has presented such matter in connection with a motion under § 1.231(a)(4), or shows good reason why it was not so presented.

* * * * *

17. Section 1.281 is revised to read as follows:

§ 1.281 Additional time for taking testimony.

If either party has proceeded with the taking of testimony on his behalf but is unable to complete his case because of inability to procure the testimony of a witness or witnesses within the time limited and said time has expired, and he desires additional time for such purpose, he must file a motion, accompanied by a statement under oath setting forth specifically the cause of such inability, the name or names of the witness or witnesses, the facts expected to be proved by such witness or witnesses, the steps which have been taken to procure such testimony, and the dates on which efforts have been made to procure it. (See § 1.245 for extensions of time in other situations.)

18. Section 1.283 is revised to read as follows:

§ 1.283 Testimony taken in another interference or action.

Upon motion, supported by a showing demonstrating its relevance and materiality to the issue, duly made and granted, testimony taken in another interference proceeding or action, between the same parties or those in interest, may be used in an interference proceeding, subject, however, to the right of any contesting party to recall or demand the recall of witnesses whose testimony has been taken and who are physically and mentally able to testify, and to take other testimony in rebuttal of the testimony.

19. Paragraph (b) of § 1.284 is amended by striking at the beginning of the section the words "It must appear" and inserting in lieu thereof "It must be demonstrated". As thus amended, paragraph (b) reads as follows:

§ 1.284 Testimony taken in foreign countries.

* * * * *

(b) It must be demonstrated that the testimony desired is material and competent, and that it cannot be taken in this country at all, or cannot be taken here without hardship and injury to the moving party greatly exceeding that to which the opposite party will be exposed by the taking of such testimony abroad.

* * * * *

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

WILLIAM E. SCHUYLER, Jr.,
Commissioner of Patents.

Approved: July 29, 1969.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 69-9080; Filed, Aug. 1, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[General Order 97, Rev., Amdt. 3]

PART 310—MERCHANT MARINE TRAINING

Subpart C—Admission and Training of Cadets at the United States Merchant Marine Academy

TRAINING ON SUBSIDIZED VESSELS

Effective July 1, 1969, § 310.58 of this subpart is amended by changing the first sentence of paragraph (c) thereof to read as follows:

§ 310.58 Training on subsidized vessels.

* * * * *

(c) *Pay.* Cadets, while attached to merchant vessels, shall receive pay at the rate of $193.20 per month from their steamship company employers. * * *

* * * * *

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: July 30, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.
Secretary.

[F.R. Doc. 69-9129; Filed, Aug. 1, 1969; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4674]

[Misc-1941468]

ALASKA

Amendment of Public Land Orders No. 1621 of April 18, 1958, and No. 3521 of January 5, 1965

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

Paragraph 6 of Public Land Order No. 1621 of April 18, 1958, modifying Public Land Order No. 82 of January 22, 1943, and paragraph 1 of Public Land Order No. 3521 of January 5, 1965, are hereby amended to delete the sentence which reads as follows:

"Each of such leasing blocks will be deemed to be a legal subdivision, subject to the restriction on assignments of part of a legal subdivision as set forth in 43 CFR 192.140."

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 29, 1969.

[F.R. Doc. 69-9083; Filed, Aug. 1, 1969; 8:45 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 135]

CONDITIONS FOR MAILING 1,000 OR MORE PIECES IN SINGLE MAILING AT SPECIAL FOURTH-CLASS RATE OR AT LIBRARY RATE

Notice of Proposed Rule Making

Notice is hereby given that the Post Office Department is considering a proposal to revise paragraph (a)(6) of § 135.2 of Title 39, Code of Federal Regulations, issued pursuant to title 39, U.S.C. 4554(e) as revised by section 108(a) of Public Law 90-206 approved December 16, 1967. It would make changes in existing presorting requirements applicable to articles mailed in quantities of 1,000 or more pieces at the special fourth-class rate or at the library rate. The proposed revised paragraph (a)(6) would become effective on November 1, 1969. However, affected mailers would be given the option of following the revised requirements prior to that date.

The proposed revisions would have the following effects:

1. Mailers would not be required to presort or sack any nonidentical pieces regardless of number;

2. Nonidentical pieces will not be considered in determining whether a mailer mails 1,000 or more identical pieces in a single day;

3. 5,000 or more identical pieces mailed in a single day must be presorted by the mailer to the full five digit code and sacked;

4. 1,000 up to and including 4,999 identical pieces must be presorted by the mailer to the first three digit code and sacked.

Interested persons may submit written data, views, and arguments concerning the proposal to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, it is proposed to revise paragraph (a)(6) of § 135.2 to read as follows:

§ 135.2 Classification.

(a) *Description.* * * *

(6) The address on each piece mailed at the rates provided by § 135.1 (c) and (d) must include the complete ZIP code. When 5,000 or more identical pieces are mailed at these rates during a single day, they must be presorted and placed in sacks in accordance with the instructions contained in § 134.4(c) (2) and (6) (i) (*b*), (ii) (*b*), (iii) (*b*), (iv) (*b*), and (v) (*b*) of this chapter. When 1,000 or more but less than 5,000 identical pieces are mailed at these rates during a single day, they must be presorted and placed in sacks in accordance with the instructions contained in § 134.4(c) (2) and (6) (ii) (*b*), (iii) (*b*), (iv) (*b*), and (v) (*b*) of this chapter.

* * * * *

NOTE: It is proposed that if the foregoing revision is adopted mailers would be immediately authorized at their options to observe its requirements in lieu of those of existing paragraph (a)(6), but the revision of paragraph (a)(6) would not otherwise become effective until November 1, 1969.

NOTE: The corresponding Postal Manual section is 135.216.

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-9084; Filed, Aug. 1, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Proposed Establishment of Criteria To Determine Major Marketing Promotion Program

Notice is hereby given of a proposal, unanimously recommended by the Date Administrative Committee, to establish criteria which would determine a major marketing promotion program. The authority for this action would be pursuant to § 987.33 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order (herein referred to collectively as the "order") are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Section 987.33 was revised when the order was amended September 8, 1967, to authorize the Date Administrative Committee, with the approval of the Secretary, to establish or provide for the establishment of paid advertising or marketing promotion programs of major or minor scope. Any major promotion program, and any paid advertising program, require an affirmative vote of one less than the full Committee for adoption. Other Committee actions, including any minor promotion program, may be adopted by a two-thirds vote. Establishment of criteria to determine a major promotion program would enable the Committee to decide which of these voting requirements to apply.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should 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 8 days 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)).

The proposal is as follows:

Subpart—Market Development

§ 987.401 Criteria for determining a major marketing promotion program.

(a) A major marketing promotion program is any marketing promotion program requiring the expenditure of more than $500 (Five-hundred dollars) of Committee funds.

Dated: July 30, 1969.

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

[F.R. Doc. 69-9111; Filed, Aug. 1, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 85]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Labeling

On June 4, 1968, Part 85 was amended setting out regulations for the control of air pollution from new motor vehicles and new motor vehicle engines to become applicable beginning with the 1970 model year.

Notice is hereby given that it is now proposed to amend the regulations in this part to require manufacturers to label vehicles and engines for which a certificate of conformity is issued.

Part 85 as revised by the proposed amendments will become effective on republication and will be applicable to new motor vehicles and new motor vehicle engines beginning with 1970 model year.

Interested persons may submit written data, views, or arguments (in quadruplicate) in regard to the proposed regulations to the Commissioner, National Air Pollution Control Administration, Ballston Center Tower No. 2, 801 North Ran-

dolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Part 85 is amended by adding a new § 85.53, reading as follows:

§ 85.53 Labeling.

(a) The manufacturer of any gasoline powered light duty motor vehicle or engine shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided to all production models of such vehicles or engines available for sale to the public, and covered by a certificate of conformity under § 85.52.

(b) In the case of gasoline engines not chassis-mounted, a metal label shall be riveted or welded to the engine block.

(c) In the case of gasoline powered light duty motor vehicles, a plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position in the engine compartment.

(d) The label shall be affixed by the manufacturer of such vehicle or engine who has been issued the certificate of conformity for such vehicle or engine in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any equipment which is easily detached from such vehicle or engine.

(e) The label shall contain the following information lettered in the English language in block letters and numerals not less than three thirty-seconds (3/32) of an inch, which shall be of a color that contrasts with the background of the label, in the order shown:

(1) The label heading: Vehicle (Engine) Emission Control Certification;

(2) Full corporate name and trademark of manufacturer;

(3) Make and model of vehicle (or engine);

(4) Vehicle identification number (in the case of engines, the engine block number);

(5) Engine size (in cubic inches);

(6) Exhaust control system name;

(7) Engine tune-up specifications and adjustments including recommended idle speed, ignition timing, and air-fuel mixture and/or idle carbon monoxide setting. These specifications should indicate the proper transmission position during tune-ups and what accessories (e.g., air-conditioner), if any, should be in operation.

(8) The Statement: This Vehicle (or Engine) Is in all Material Respects Substantially the Same Construction as Test Vehicles (or Engines) Certified by the U.S. Department of Health, Education, and Welfare as Conforming to Regulations Applicable to New Motor Vehicles Beginning With the (Insert Year) Model Year.

(f) The provisions of this section are not intended to prevent such manufacturer from also reciting on the label language to the effect that such vehicle (or engine) conforms to any applicable State emission standards for new motor vehicles or new motor vehicle engines.

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

Dated: July 29, 1969.

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

[F.R. Doc. 69-9082; Filed, Aug. 1, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 0, 1]

[Docket No. 18244]

NONDISCRIMINATION REQUIREMENT IN EMPLOYMENT PRACTICES OF BROADCAST LICENSEES

Order Extending Time for Filing Comments and Reply Comments

In the matter of petition for rule making to require broadcast licensees to show nondiscrimination in their employment practices; Docket No. 18244, RM-1144.

1. On June 6, 1969 the Commission issued a further notice of proposed rule making in this proceeding inviting interested persons to file comments on or before August 4, 1969, and reply comments on or before September 5, 1969. FCC 69-632, 34 F.R. 9288, June 12, 1969. On July 23, 1969, the National Association of Broadcasters (NAB) filed with the Commission a petition requesting that the time for filing comments be extended by 90 days (i.e., from Aug. 4, to Nov. 3, 1969).

2. In support of its request, NAB states that the proposed rules are detailed and contain many items calling for specific comments; that they will affect stations of different size and location in different ways; and that it is therefore desirable for the NAB to consult with as many diverse member stations as possible prior to the submission of comments. It states that such consultation involves matters of detail relating to the operation of particular stations, that such consultation is time-consuming, and that it is frequently delayed by the absence of station personnel on vacation during the summer months. It observes, finally, that the Commission has adopted rules barring discrimination in employment practices; that the rules presently under consideration relate to the mechanics rather than to the substance of this matter; and that an extension of time would not impede implementation of the Commission's basic policy of nondiscrimination in station employment. In view of these considerations, it states that a significant extension of time is warranted and is needed for thorough evaluation of the proposed regulations and for the preparation of comprehensive and meaningful comments.

3. Detailed comments by the NAB based on consultation with its member stations will be helpful to the Commission in this proceeding, and an extension of the filing date necessary for the preparation of such comments is warranted. It would appear, however, that 60 additional days should suffice for consultation with member stations and for preparation of comments based on such consultation. With this extension, interested persons will have had from June 6 through October 3, for this purpose. In terms of such a period, it would not appear that delays attributable to vacation schedules should be a material factor.

4. In view of the foregoing: *It is ordered*, That the time for filing comments in this proceeding is extended to October 3, 1969, and that the time for filing reply comments is extended to November 3, 1969.

5. This action is taken pursuant to section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d), and § 0.281(d)(8) of the rules and regulations, 47 CFR 0.281(d)(8).

Adopted: July 28, 1969.

Released: July 29, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-9101; Filed, Aug. 1, 1969; 8:46 a.m.]

[47 CFR Part 73]

[Docket No. 18574; RM-1394]

FM BROADCAST STATIONS

Table of Assignments, Lineville and Roanoke, Ala.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202 *Table of Assignments*, FM Broadcast Stations. (Lineville and Roanoke, Ala.; Bloomington, Ind.; St. George, S.C.; Muskegon, Mich.; Paintsville and Jackson, Ky.; Exmore, Va.; Montour Falls, N.Y.; Catlettsburg, Ky.; Winona, Miss.; Braddock Heights or elsewhere in Maryland, Virginia, or West Virginia), Docket No. 18574, RM-1394, RM-1397, RM-1400, RM-1405, RM-1407, RM-1416, RM-1420, RM-1426, RM-1431, RM-1404.

1. On June 20, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69-669) inviting comments on a number of proposals to amend the FM Table of Assignments, including the assignment of Channel 237A to Lineville, Ala., and the substitution of Channel 272A for 237A at Roanoke, Ala. The time for filing comments and reply comments was designated as July 28, and August 8, 1969, respectively.

2. On July 24, 1969, Roanoke Broadcasting Co., licensee of WELR-FM, Channel 272A, Roanoke, by its attorneys, filed a request for an extension to August 12, 1969, in which to file comments. Attorneys for Roanoke state that the principal counsel representing it is unable to prepare appropriate comments within the present time limit because of counsel's prolonged absence from the country. It is stated that said counsel will

complete preparation of comments upon his return to Washington so that they may be filed within the extended period requested.

3. We are of the view that the requested addition time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments is extended to and including August 12, 1969, and for the filing of reply comments to and including August 22, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: July 28, 1969.

Released: July 29, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-9102; Filed, Aug. 1, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

INTEREST EQUALIZATION TAX

Continuation of Current Procedures and Retroactive Effect

The Treasury Department will propose that, if the interest equalization tax is not extended before August 1, 1969, the pending legislation be amended to (1) make it clear that, regardless of when the legislation is enacted, the tax will apply to acquisitions on or after August 1, 1969, so as to assure uninterrupted applicability of the interest equalization tax, and (2) confirm that the rates, rules and procedures in effect on July 31, 1969, will continue in effect during the period August 1, 1969, and extending until the legislation is enacted, in all respects as if the tax had been extended prior to August 1, 1969, with the sole exception that the banks and trust companies which are participating custodians will not continue as such after August 8, 1969, unless the procedures described below are followed. The status of participating firms will continue as such unless terminated under current procedures.

Under current law, the interest equalization tax is not applicable to any acquisition of stock of a foreign issuer or debt obligation of a foreign obligor made after July 31, 1969. H.R. 13079 passed by the House of Representatives on July 28, 1969, would extend the tax to August 31, 1969, and H.R. 12829 reported favorably by the Committee on Ways and Means without amendment would extend the tax to March 31, 1971.

Some of the rules and procedures in effect on July 31, 1969, and which will continue in effect, are set forth below along with the special procedures for participating custodians.

1. *Participating firms and participating custodians.* Those broker-dealers having status as participating firms on July 31, 1969, will retain their status as such with respect to acquisitions after such date, unless their status is terminated and the termination announced under existing procedures. If any broker-dealer does not want to continue its status as a participating firm, it must follow such termination procedures.

Those banks (or trust companies) having status as participating custodians on July 31, 1969, will retain their status as such during the period August 1, 1969, through August 8, 1969. The status of each bank which is a participating custodian will be terminated as of the close of business Friday, August 8, 1969, unless the bank files with the Commissioner of Internal Revenue, Washington, D.C. 20224 (Attention: CP:A:O–JW), a letter indicating that such custodian agrees to comply, and is currently complying with the statutory requirements in effect on July 31, 1969, and the documentation, recordkeeping, reporting, and auditing requirements of the Internal Revenue Service in effect on such date, or subsequently established. To avoid termination of such status, the letter must be received not later than 5 p.m., Wednesday, August 6, 1969. A telegram stating that such a letter has been mailed will be accepted for 7 days in lieu of such letter. A list of those banks retaining their status as participating custodians will be published by the Internal Revenue Service on Thursday, August 7, 1969.

2. *Issuance of validation certificates.* Validation Certificates will continue to be issued by the Internal Revenue Service after July 31, 1969. The Internal Revenue Service will follow those procedures currently in force dealing with the issuance of Validation Certificates, and will require such proof of status as a U.S. person and compliance with the tax (on the assumption that the proposed legislation will be enacted) as is currently required.

3. *Payments in respect of tax.* During the interim period, the Internal Revenue Service will continue to receive returns and payments in respect of tax (on the assumption that the proposed legislation will be enacted) and make appropriate refunds. In the event that the tax is not extended, all payments in respect of tax on acquisitions made subsequent to the expiration date of the current law will be refunded on an expedited basis upon submission of an appropriate claim to the Internal Revenue Service.

4. *Participating firms purchasing and selling taxable securities for own account.* TIR 945 provides that a participating firm making a sale of taxable securities for its own account must pay the tax on or before the effective date of the sale (generally the settlement date) if it has issued a written comparison or broker-dealer confirmation indicating that the exemption for prior American ownership and compliance applies. In such cases the acquisition is currently reported on Form 3780A which accompanies the payment of tax. This procedure, including payments in respect of the tax, will remain in effect after July 31, 1969.

5. *Withholding procedures.* The withholding procedures currently provided under section 4918(e)(7) and Temporary Regulation § 147.5–2 will continue to apply.

6. *Information returns.* Reporting on information returns currently prescribed in connection with the interest equalization tax will continue in effect.

[SEAL] PAUL A. VOLCKER,
Under Secretary for Monetary Affairs.

JULY 31, 1969.

[F.R. Doc. 69-9169; Filed, Aug. 1, 1969; 9:09 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

LYKES BROS. STEAMSHIP CO., INC.

Notice of Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc., has applied for permission to make calls at Hawaiian ports through December 1969 to load cargo destined for ports in the United Kingdom and Continent. The service is to be provided by vessels operating on the company's existing subsidized services on Trade Route No. 22 (U.S. Gulf/Far East) and Trade Route No. 21 (U.S. Gulf/United Kingdom and Continent).

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should, by the close of business on August 8, 1969, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no requests for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the

Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 30, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-9130; Filed, Aug. 1, 1969; 8:47 a.m.]

UNITED STATES LINES, INC.

Notice of Application

Notice is hereby given that United States Lines, Inc., has applied for approval, pursuant to section 613 of the Merchant Marine Act, 1936, as amended, of the following cruise by the "SS United States":

Sails New York	Returns New York	Itinerary
Jan. 21, 1970	Mar. 17, 1970	Cristobal, Panama Canal, Auckland, Wellington, Sydney, Hong Kong, Kobe, Yokohama, Honolulu, San Francisco, and Acapulco.

Any person, firm, or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936 as amended, in the foregoing who desires to offer data, views, and arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on August 15, 1969. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: July 30, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-9109; Filed, Aug. 1, 1969; 8:47 a.m.]

[Report No. 98]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through July 24, 1969, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (175 ships)	1,245,904
British (48 ships)	390,360
Antarctica	8,785
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
Chiang Kiang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
Hemisphere	8,718
Ho Fung	7,121
Huntsland	9,353
Huntsville	9,486
*Hwang Ho	9,457
Inchstuart	7,043
**Jeb Lee (trip to Cuba as the Garthdale—British)	7,542
Jollity	8,819
**Kelso (trip to Cuba as the Ardgem—British)	6,981
Kinross	5,388
Magister	2,239
**Meadow Court (trip to Cuba as the Ardrossmore—British)	5,820
Nancy Dee	6,597
Nebula	8,907
Newglade	7,368
Newheath	7,643
Newmoat	7,151
Oceantramp	6,185
Oceantravel	10,419
Peony	9,037
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Captain	7,385
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Southgate (previous trips to Cuba as the Arlington Court—British)	9,662
**Tetrarch (trips to Cuba as the Ardrowan—British)	7,300
Venice	8,611
Vergmont	7,381
Yunglutaton	5,414
Cypriot (40 ships)	289,395
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Akmeon (tanker)	11,105
Alda	7,292
Alice (previous trips to Cuba—Greek)	7,189
*Alma	6,585
Amfithea (previous trip to Cuba as the Antonia—Greek)	5,171
Angeliki	8,482
Anka	7,314
Apollonian	7,229
Areti (previous trips to Cuba—Lebanese)	7,176
*Arion	3,570
*Camelia	8,711
Claire (previous trips to Cuba—Lebanese)	5,411
Coolady	2,867
Degedo	9,000
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Free Navigator (previous trips to Cuba as the Newdene—British)	7,165
Free Trader (previous trips to Cuba—Lebanese)	7,061
Glee	7,237
Huntsfield (previous trips to Cuba—British)	9,483
Irena (previous trips to Cuba—Greek)	7,232
Johnny	9,689
Katerina (previous trips to Cuba—Lebanese)	9,357
Kounistra (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,199
Marika (previous trip to Cuba—Lebanese)	7,290
Mery (previous trips to Cuba—Greek)	7,258
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
**Newlane (trips to Cuba—British)	7,043
Newmoor (previous trips to Cuba—British)	7,168
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Protoklitos	6,154
Suerte	7,267
Sunrise (previous trips to Cuba as the Anatoli—Greek)	7,216
*Tegean	7,240
Tina (previous trips to Cuba—Greek)	7,362
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Venturer	9,000
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Lebanese (10 ships)	70,113
Antonis	6,259
Astir	5,324
Giannis	5,270
Ilena	5,925
Marichristina	7,124
Mousse	9,307

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
Lebanese—Continued	
Noelle	7,251
Tony	7,176
Toula	6,426
Yanxilas	10,051
Greek (10 ships)	70,891
**Aegis Luck—(tanker) (trip to Cuba as the Captain Papalios-Cypriot)	11,676
**Aliartos (trip to Cuba as the Loradore—British)	8,078
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Heika—British)	2,111
Ettyhia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838
**Lambros M. Fatsis (trips to Cuba as the La Hortensia—British)	9,486
**Paralos (trip to Cuba as the Agios Therapon—Greek)	7,205
Redestos	5,911
Sophia	7,030
Panamanian (5 ships)	36,774
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Avranchoise (trips to Cuba as the Avranches—French)	7,199
**Renown Trader (trips to Cuba as the Suva Breeze—British)	4,996
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
**Tynlee (trips to Cuba as the Ardenode—British)	7,036
Yugoslav (8 ships)	54,379
Agrum	2,449
Bar	8,776
Cetinje	8,229
Kolasin	7,217
Piva	7,519
Plod	3,657
Subicevac	9,033
Tara	7,499
French (6 ships)	19,316
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Penja	3,777
Somali (6 ships)	37,746
Aragon	7,248
Aria	5,059
**Atlas (trip to Cuba—Finnish)	3,916
Erato (previous trips to Cuba as the Eretria—Greek)	7,199
Stevo (previous trips to Cuba—Lebanese)	7,066
Thios Costas	7,258
Italian (4 ships)	33,275
Elia (tanker)	11,021
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692
Moroccan (4 ships)	32,746
Atlas	10,392
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Finnish (2 ships)	13,870
Ragni Paulin	6,823
Verna Paulin	7,047
Maltese (3 ships)	19,793
Ispahan	7,169
Socjyve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Japanese (1 ship)	8,627
Chokyu Maru	8,627
Pakistani (1 ship)	8,708
**Maulabaksh (trip to Cuba as the Phoenician Dawn and East Breeze—British)	8,708
Singapore (1 ship)	6,854
**Rama Lesmana (trip to Cuba as the Glaisdale—British)	6,854

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship
a. Since last report:
None.
b. Previous reports:

	Number of ships
Flag of registry (total)	124
British	44
Cypriot	3
Danish	1
Finnish	4
French	1
German (West)	1
Greek	30
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberian	1
Norwegian	5
Somali	1
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:

	Gross tonnage
Augusta Paulin (Finnish)	7,096
Barbarino (Greek)	7,084
Giorgos Tsakiroglou (Lebanese)	7,240
Kali Elpis (British)	4,664

b. Previous reports:

Flag of registry:	Broken up, sunk or wrecked
British	16
Cypriot	21
Finnish	2
French	1
Greek	13
Italian	4
Lebanese	32
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	4
South African	2
Swedish	1
Yugoslav	6
Total	108

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through July 24, 1969.

Flag of registry	Number of trips												Total
	1963	1964	1965	1966	1967	1968	1969 Jan.	Feb.	Mar.	Apr.	May	June	
British	133	180	126	101	78	62	2	4	6	6	1	4	703
Lebanese	64	91	58	25	16	16			1	1	1		273
Greek	99	27	23	27	29	7							212
Cypriot		1	17	27	42	68	6	7	4	8	10	4	194
Italian	16	20	24	11	11	10	1	1		2			96
Yugoslav	12	11	15	10	14	9			1	1	1	1	75
French	8	9	9	10	10	4	1		1				52
Finnish	1	4	5	11	12	8			2				43
Spanish	8	17											25
Norwegian	14	10											24
Moroccan	9	13	1										23
Maltese		2	6	1	4	8					1		22
Somali					2	11	1	1		3		1	19
Netherlands		4	2										6
Swedish	3	3											6
Kuwaiti		2	1										3
Israeli			2										2
Japanese	1					1							2
Danish	1												1
German (West)	1												1
Haitian			1										1
Monaco				1									1
Subtotal	370	394	290	224	218	204	11	13	15	21	14	10	1,784
Polish	18	16	12	10	11	7							74
Grand total	388	410	302	234	229	211	11	13	15	21	14	10	1,858

NOTE: Trip totals in section 4 exceed ship totals in secs. 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Rept. No. 97, appearing in the FEDERAL REGISTER issue of June 12, 1969.

**Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: July 28, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-9110; Filed, Aug. 1, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-81]

SAN FRANCISCO BAY

Security Zone

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), and 49 CFR 1.4(a)(2), I hereby affirm the order of Rear Admiral C. R. Bender, U.S. Coast Guard, Commander, 12th Coast Guard District, which reads as follows:

SPECIAL NOTICE, SAN FRANCISCO BAY

Pursuant to request of Commander, San Francisco Bay Naval Shipyard, U.S. Navy, and acting under authority of the Act of June 15, 1917 (40 Stat. 220) as amended, and the regulations in Part 6, Chapter I, Title 33, Code of Federal Regulations, I hereby order that the waters of Mare Island Strait, Napa River, Calif., between the Mare Island Causeway (38°06'44" N., 122°16'14.5" W. to 38°06'36" N., 122°16'32" W.) and a line extending in the direction 245° true from the end of the Naval Reserve Pier, Vallejo, Calif. (38°05'36.5" N., 122°15'22" W.) to the opposite shore of the Napa River (38°05'32" N., 122°15'35" W.) be closed to all persons and vessels on Saturday, August 16, 1969, from 1530 p.d.s.t. until after the "USS PINTADO" (SSN 672) takes the water and is alongside the seawall at San Francisco Bay Naval Shipyard, after the launching of said vessel. The southern line of demarcation is otherwise described as a line extending between the end of the Naval Reserve Pier, Vallejo, and the southernmost smokestack in the area of Mare Island generally opposite said pier. Limits of this area will be clearly posted by signs and by Coast Guard Patrol Boats.

All persons and vessels are directed to remain outside of the closed area. This order will be enforced by the Captain of the Port, San Francisco, Calif., and by U.S. Coast Guard vessels under his command. Personnel, facilities and equipment of other Federal, State, and municipal agencies may be utilized to assist in the enforcement of this order.

Penalties for violation of the above order: Section 2, Title II of the Act of June 15, 1917 as amended, 50 U.S.C. 192, provides as follows:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this Title, or obstructs or interferes with the exercise of any power conferred by this Title or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this Title, or knowingly obstructs or interferes with the exercise of any power conferred by this Title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: July 30, 1969.

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

[F.R. Doc. 69-9093; Filed, Aug. 1, 1969; 8:46 a.m.]

[CGFR 69-83]

CHAMPLAIN—ROUSES POINT, N.Y., AND BURLINGTON, VT.

Proposed Revocation of Designations as Ports of Documentation

1. The Commandant, U.S. Coast Guard is considering a proposal to revoke the designations of Champlain—Rouses Point, N.Y., and Burlington, Vt., as ports of documentation and to conduct at and from the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, 313 Federal Building, Albany, N.Y., such documentation activities as have been performed heretofore at Champlain—Rouses Point and Burlington.

2. Accordingly, notice is given that under 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), it is proposed to:

(a) Revoke the designations of Champlain—Rouses Point, N.Y., and Burlington, Vt., as ports of documentation; and

(b) Transfer the documentation records at Champlain—Rouses Point and Burlington, to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, 313 Federal Building, Albany, N.Y.; and

(c) Make Albany the home port of all vessels now having Champlain—Rouses Point and Burlington as their home port.

3. Interested persons may submit such written data, views, or arguments as they may desire regarding the proposals set forth in this document. All communications should be submitted in duplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C., as soon as possible. Each communication shall identify the subject to which it is directed, the reason or basis for views expressed, and the name, address, and business firm or organization (if any) of the submitter. Each communication received on or before September 15, 1969, by the Commandant (CMC) will be considered and evaluated before taking final actions on the proposals in this document. Copies of all written comments received by the Commandant (CMC) will be available for examination and reading by interested persons in Room 4211, Coast Guard Headquarters, Washington, D.C., both before and after the closing date (Sept. 15, 1969). The acknowledgment of the comments received or reasons why the suggested changes were or were not adopted cannot be furnished since personnel are not available to handle the necessary correspondence involved. The proposals contained in this document may be changed in the light of comments received.

4. At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officials by contacting the Executive Secretary, Merchant Marine

Council, Room 4211, Coast Guard Headquarters, Washington, D.C. Any data or views presented during such informal conferences must be submitted in writing to the Commandant (CMC) in accordance with this notice in order that they may become part of the record.

Dated: July 30, 1969.

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

[F.R. Doc. 69-9108; Filed, Aug. 1, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 18, as set forth below, to Facility License No. R-46 to Industrial Reactor Laboratories, Inc. (IRL), of Plainsboro, N.J. The license authorizes IRL to possess, use and operate the IRL reactor located in Plainsboro Township, Middlesex County, N.J. The amendment, effective as of the date of issuance, authorizes IRL to possess and store up to 200,000 curies of doubly encapsulated cesium-137 in the IRL reactor pool in accordance with the application dated May 28, 1969.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see IRL's request dated May 28, 1969, and a related Safety Evaluation by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. A copy of the above Safety Evaluation may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 24th day of July 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License No. R-46; Amdt. 18]

1. The Atomic Energy Commission ("the Commission") has found that:

A. The application for license amendment dated May 28, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The issuance or this amendment will not be inimical to the common defense and security or to the health and safety of the public; and

C. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

2. Accordingly, Facility License No. R-46, as amended, issued to Industrial Reactor Laboratories, Inc., is hereby amended to change subparagraph 2.C to read:

2.C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to (1) possess and store up to 200,000 curies of doubly encapsulated cesium-137 in the reactor pool, and (2) possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This amendment is effective as of the date of issuance.

Date of issuance: July 24, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-9078; Filed, Aug. 1, 1969; 8:45 a.m.]

[Docket No. 50-197]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Issuance of Construction Permit

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on July 2, 1969 (34 F.R. 11159), the Atomic Energy Commission has issued, in the form set forth in that notice, Construction Permit No. CPCX-29 to the National Aeronautics and Space Administration (NASA) at Cleveland, Ohio.

The permit, which is effective as of the date of issuance, authorizes NASA to make alterations to its Zero Power Reactor II located on NASA's Lewis Research Center site in Cleveland.

Dated at Bethesda, Md., this 21st day of July 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-9079; Filed, Aug. 1, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18496]

CITY AND AIRPORT AUTHORITY OF LINCOLN, NEBR.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on August 26, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Motions for consolidations, evidence requests, proposed issues, proposed stipulations, and proposed procedural dates shall be filed on or before August 19, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-9096; Filed, Aug. 1, 1969; 8:46 a.m.]

[Docket No. 20781; Order 69-7-149]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Philadelphia/Baltimore/Washington Transatlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of July 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

By Order 69-4-138, the Board, among other things, conditioned its approval of the IATA transatlantic fare agreement which became effective May 1, 1969, so as to require that fares between Philadelphia/Baltimore/Washington and European points, and points beyond, be no greater on a per-mile basis than fares to/from New York. The application of this condition was subsequently deferred at the request of Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA), until August 1, 1969.

The subject agreement establishes new proportional fares to be applied in constructing transatlantic fares to the three cities, in an effort to comply with the Board's condition. While the agreement does not fully comport with the Board's requirement in that the disparity on a per-mile basis has not been entirely eliminated, the add-ons here proposed represent substantial reductions from those presently in use. By way of example, the reductions range from 16 percent to 43 percent in the case of peak-season economy-class fares and

from an approximate 30 percent to 50 percent in the case of the 14–21-day excursion fares. In light of this significant improvement, and the fact that the resulting fares appear to be in reasonable relationship to the respective distances involved, the Board has concluded that the agreement warrants approval.

The Board, acting pursuant to the Federal Aviation Act of 1958, as amended and particularly sections 102, 204(a), and 412 thereof, does not find the following resolutions to be adverse to the public interest or in violation of the Act:

IATA RESOLUTIONS

JT12(Mail 703)015.
JT123(Mail 611)015.

Accordingly, it is ordered, That:

Agreement CAB 21168 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9097; Filed, Aug. 1, 1969; 8:46 a.m.]

[Docket No. 21214]

SHULMAN TRANSPORT ENTERPRISES, INC., AND DRAKE MOTOR LINES, INC.

Notice of Proposed Approval Regarding Control Relationships

Joint application of Shulman Transport Enterprises, Inc., and Drake Motor Lines, Inc., for approval of certain control relationships pursuant to section 408 of the Federal Aviation Act of 1958, Docket 21214.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 10 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 30, 1969.

A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Joint application of Shulman Transport Enterprises, Inc., and Drake Motor Lines, Inc., for approval of certain control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 21214.

By joint application filed July 18, 1969, and amended July 28, 1969, Shulman Transport Enterprises, Inc. (Transport), and Drake Motor Lines, Inc (Drake), request approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) of the acquisition by Transport of all of the outstanding shares of stock of Drake. Transport was incorporated in the State of Delaware on May 19, 1969, by individual members of the Shulman family, and is wholly owned by such individuals.[1] It is intended that Transport will be a nonoperating holding company wholly controlling Drake, a common carrier by motor vehicle, and through Drake, Shulman, Inc., doing business as Shulman Air Freight (Shulman, Inc.), a domestic and international air freight forwarder.

By Order E-20793, May 6, 1964, the Board, pursuant to section 408 of the Act approved, among other things, the control by the Shulman family of Drake and certain other companies. Specifically, Drake controlled (1) Orient-American Forwarding Co., a Japanese corporation engaged in forwarding shipments inbound to the United States, and (2) Shulman, Inc. of Massachusetts, a common carrier by motor vehicle (Shulman (Mass.)) which, in turn, controlled Shulman, Inc. (the domestic and international air freight forwarder).

Thereafter, by Order E-22705 of September 29, 1965, the Board approved, pursuant to section 408, the ownership by Martin and Harry Shulman of all the outstanding stock of Orient-American Forwarding Co. (HK) Ltd. (Orient), a Hong Kong corporation, while they control Shulman, Inc., i.e., through Drake and Shulman (Mass.); and the transfer of such stock interest in Orient to Drake. In both proceedings certain interlocking relationships involving various individuals were also approved under section 409 of the Act. Subsequently, by Order 68-9-111, September 24, 1968, the Board approved, inter alia, the acquisition by merger by Drake of the motor carrier certificate and operating rights held by Shulman (Mass.).

It is submitted that the sole change in the existing control relationships will consist of the interpolation of Transport as an additional corporation to act as a holding company in a chain of ownership between the Shulman family and Drake. The control by Drake of Shulman, Inc., and Shulman, Inc.'s existing operations as an air freight forwarder will remain undisturbed. The officers and directors of Transport will be the same as those of Drake and Shulman, Inc.

No comments relative to the application have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following the date of such publication both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that Shulman, Inc., is an air carrier while Drake is a common carrier within the scope of section 408 of the Act, and that the control by Transport of Drake, and through Drake of Shulman, Inc., may be subject to that section.[2] However, it is further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in the creation of a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not essentially present any new substantive issues not previously considered.[2] It therefore appears that approval of the control relationships herein would not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without hearing.

Accordingly, it is ordered:

That the acquisition of control by Transport of Drake, as above described, be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof has been filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9095; Filed, Aug. 1, 1969; 8:46 a.m.]

[1] Harry, Martin, and Anna Shulman, and estate of Benjamin Shulman.

[2] In view of the fact that the applicants have submitted to the Board's jurisdiction, and the apparent need for expedited action on the application, we shall not go further into the question of jurisdiction.

[2] See Orders E-20793 and E-22705, dated May 6, 1964, and September 29, 1965, respectively, discussed herein.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18526, 18527; FCC 69R-322]

CLICK BROADCASTING CO. AND R–J CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Robert E. Thomas and Ferris A. Maloof, doing business as Click Broadcasting Co., Blue Ridge, Ga., Docket No. 18526, File No. BP-17409; Robert P. Joseph and Jacqueline A. Joseph doing business as R–J Co., Clarkesville, Ga., Docket No. 18527, File No. BP-17691; for construction permits.

1. This proceeding involves the mutually exclusive applications of Click Broadcasting Co. (Click) and R–J Co. (R–J) for construction permits to establish new standard broadcast stations at Blue Ridge and Clarkesville, Ga., respectively. By memorandum opinion and order, 17 FCC 2d 375, 16 RR 2d 1, released April 28, 1969, the applications were designated for hearing on various issues, including an areas and populations issue, a misrepresentation issue against Click, financial issues against both applicants, a Carroll issue as to the R–J proposal and a section 307(b) issue. Presently before the Review Board is a motion to enlarge issues, filed May 23, 1969, by R–J requesting the addition of a Suburban

issue with respect to the Click application to this proceeding.[1]

2. In support of its request, R–J contends generally that Click has failed to meet the requirements set forth by the Commission in Minshall Broadcasting Co., Inc., 11 FCC 2d 796, 12 RR 2d 502 (1968), and in its Public Notice on Broadcast Applicant's Ascertainment of Community Needs, FCC 68–847, 13 RR 2d 1903, issued on April 22, 1968. More specifically, petitioner notes that the Click application, which was filed on August 17, 1966, has not been amended and that, although Click listed 11 community leaders and members of organizations who have been contacted in response to Part I of section IV–A of the application form, the application does not contain an enumeration of the specific suggestions received from the community leaders, nor does it demonstrate how, or whether, Click analyzed and evaluated the comments of those contacted. The petitioner further alleges that Click's programing showing does not even indicate whether the persons contacted are identified with Blue Ridge or with one of the six other communities which the applicant proposes to serve; that the showing does not indicate how these contacts were made; and that, except for the statements of a County Agent and a County Coordinator of Federal Funds for Education, the applicant provides no evaluation of suggestions received. R–J states that information already available in the Commission's files[2] indicates that the contacts were brief, perfunctory, and uninformative and that there are abundant grounds for questioning the quality, duration, and scope of Click's contacts. The petitioner also questions whether the "advertising commitments" contained in Exhibit VI of Click's application qualify as inquiries into community needs as the applicant seems to imply in Exhibit VII; it is noted in this regard that affidavits attached to the petition to deny, filed by Copper Basin Broadcasting Co., suggest that nothing was discussed in the conversations with these merchants except the possibility of purchasing time on the proposed station. Finally, R–J argues that Minshall is now well-established doctrine; that, in the case of Click's programing showing, it appears that Minshall deficiencies were overlooked in the designation order which, R–J notes, dealt extensively with a number of disputed matters; and that, since the deficiencies noted are so blatant, an appropriate issue is required to determine the efforts made by Click to ascertain community needs and interests.

3. In its comments, the Broadcast Bureau supports the motion to enlarge issues. According to the Bureau, Click has not met the burden placed on it by the Commission to interview community leaders and list the suggestions received from them. The Bureau also makes the following points in regard to Click's programing showing: (1) The applicant has interviewed only 11 people in a community of 1,406, which, in and of itself, constitutes an inadequate survey; (2) Click cannot receive credit for its interviews with approximately 25 businessmen since the contacts were apparently made only to ascertain possible advertising sources; (3) although Click interviewed people who may be representative of the population as a whole, the applicant did not seek out community leaders who, by virtue of their positions, could speak for their groups;[3] (4) although Click intends to serve, in addition to its designated community, four communities in Georgia and two in Tennessee, the applicant has not shown that it has surveyed any of these other communities. In regard to this last point, the Bureau assumes that the applicant's listed contacts are all Blue Ridge residents in the absence of any contrary indication in the Click application and, on this basis, argues that the failure to survey these other communities warrants the addition of a Suburban issue, citing Christian Broadcasting Association, Inc., 18 FCC 2d 15, 16 RR 2d 401, released May 26, 1969. While the Bureau concedes that Exhibit VII of the Click application lists three community needs, it points out that the list of needs represents only a distillation from the suggestions received during the applicant's survey.[4]

4. In its oppositions to R–J's request, Click contends that the petitioner has raised no new matters that were not considered by the Commission at the time of designation. The applicant argues that the Commission's in-depth discussion of Click's programing proposals and the unlikelihood that a less than adequate program proposal would escape attention. Noting that its application was filed before Minshall and the Commission's public notice of August 22, 1968; Click, nevertheless, contends that its program survey complies with all of the requirements enunciated in those statements. As to the method used to determine community needs, Click states that it had discussions with a total of 36 area residents, civic leaders and the like, and that the names of at least 11 interviewees were set forth in the application along with their principal occupation or civic affiliation. The applicant claims that the persons and organizations contacted constitute a cross-section of Blue Ridge and the area. Click further notes that, while it did not quote each and every suggestion received from its contacts, it is evident from a reading of its Exhibit VII that suggestions were received and evaluated; that the needs found to exist are fully explained together with the means by which the applicant will meet the needs; and that the programs to be broadcast in response to the needs and interests of the area, as determined by the survey, are also listed. Click argues that the fact that there is a dispute as to whether or not certain contacts were made should not detract from the overall meaningfulness of its survey, especially since an appropriate issue has already been specified in this proceeding on the matter of the disputed contacts.

5. R–J replies that the matters raised in the designation order are not relevant to the instant motion since Copper Basin's petition to deny, filed prior to the release of the Minshall opinion, did not request an issue dealing with the adequacy of Click's efforts to ascertain community needs and of its plans to meet such needs. Rather, R–J notes that the matters raised in the petition to deny related solely to the questions of whether or not Click made misrepresentations to the Commission and of the applicant's financial and character qualifications. On the other hand, R–J points out that its motion relates entirely to whether or not the applicant has met the requirements of Minshall and the Commission's public notice, although the petitioner concedes that many facts may be relevant to both the Minshall question and the misrepresentation question. Finally, in rebuttal, the petitioner disputes the applicant's reliance on Andy Valley Broadcasting System, Inc., 12 FCC 2d 3, 12 RR 2d 691 (1968), pointing out that the applicant in that case, unlike Click here, not only listed the names and positions of the persons contacted but also reported on the suggestions received, its evaluation of those suggestions and its proposed programing in response to demonstrated needs.

6. The Review Board is of the opinion that a sufficient showing has been made to warrant the addition of a Suburban

[1] Also before the Review Board are: (a) Click's opposition, filed June 5, 1969; (b) Broadcast Bureau's comments, filed June 5, 1969; and (c) reply of R–J, filed June 18, 1969. R–J claims that good cause exists for the filing of the instant motion approximately 1 week late since its counsel was not retained until May 2, 1969, and was not familiar with the case prior to that time. R–J also points to its counsel's other commitments which allegedly interfered with the preparation and filing of the instant motion prior to May 16, 1969. By our Order, FCC 69R–224, released May 20, 1969, we denied R–J's request for an extension of time to file a motion to enlarge issues and suggested that the more appropriate procedure would be to allege good cause for any delay in filing in the motion to enlarge issues itself. On the basis of the showing noted above and in the absence of procedural objections, the Board will entertain the merits of R–J's motion.

[2] R–J refers to the petition to deny or designate application, filed on Mar. 30, 1967, by Copper Basin Broadcasting Co., Inc., and to the Commission's designation of an issue to determine the authenticity of a signature found on an advertising statement filed with the Click application.

[3] The Bureau also notes that, of those relied upon by Click as community leaders in Exhibit VII, only three would appear to qualify as such, i.e., Mr. Oscar Crabtree, principal; Mr. Emmett Jordan, Fannin County agent; and Mr. Powell Hoover, County Coordinator of Federal Funds for Education.

[4] The Bureau also notes R–J's allegation that Click has not shown that it has analyzed and evaluated the suggestions received. The Bureau points out that the Commission's recent opinion in Sioux Empire Broadcasting Co., 16 FCC 2d 995, 15 RR 2d 961 (1969), indicates that a specific showing of the applicant's evaluation of suggestions is not necessary, but that an applicant is expected to evaluate, at least subjectively, the suggestions received and to formulate programs to meet such needs as evaluated.

issue with respect to the Click proposal. Several deficiencies in Click's program statement effectively prevent a conclusion at this time that the applicant is aware of, and responsive to, the needs and interests of its proposed service area. For example, since Click has failed to identify the community or communities in which its interviewees reside, it cannot be determined whether its survey encompassed the entire proposed service area or was merely limited to the specified community or Blue Ridge. Since we cannot determine the extent of the applicant's survey in this regard and since we are unable to assume that an identity of interests exists throughout the entire proposed service area, the Board cannot conclude that the applicant has complied with the Commission's requirement to ascertain the programing needs and interests of its entire proposed service area, especially those communities other than Blue Ridge which the applicant, in Exhibit VII, has represented it will serve. See Minshall Broadcasting Co., supra; Public Notice on Broadcast Applicant's Ascertainment of Community Needs, supra; Christian Broadcasting Association, Inc., supra; Long Island Video, Inc., 12 FCC 2d 905, 13 RR 2d 88 (1968). Also, it appears that the survey conducted by the applicant is inadequate both in terms of the number of interviewees and the number of community leaders interviewed. Click, in its application, lists only 11 contacts with "community leaders and members of organizations" which, in a community of 1,406, can hardly be characterized as an adequate survey. Warren County Radio, FCC 69-279, 15 RR 2d 1105 (1969). Moreover, the sampling clearly does not include contacts with a representative cross-section of community leadership since only three (a principal, a county agent, and a county coordinator of Federal funds for education) would qualify as such and since the range of groups contacted by the applicant is severely limited. City of Camden, FCC 69-644, 16 RR 2d 555 (1969); Norristown Broadcasting Co., Inc., 18 FCC 2d 56, 16 RR 2d 421 (1969); Virginia Broadcasters, 15 FCC 2d 1004, 15 RR 2d 487 (1969). The applicant, as the Bureau and the petitioner correctly suggest, cannot be credited with the contacts with local merchants since the application does not disclose whether community needs and interests were discussed during such contacts or what suggestions, if any, were received. The only conclusion that can be drawn in this regard is that these statements reflect merely expressions of advertising support for the proposed station and nothing more. In addition to the apparent deficiencies in the applicant's survey technique, we note that the applicant has also failed to list the suggestions received from the limited contacts made and has failed to relate demonstrated needs and interests of its service area to proposed programing in any meaningful fashion. See Big Chief Broadcasting Company of Lawton, Inc., FCC 69-751, released July 14, 1969; Pleasant Broadcasting Co., FCC 69-739, released July 10, 1969; Almardon Incorporated of Florida, 16 FCC 2d 395, 15 RR 2d 600 (1969). In light of these deficiencies, therefore, it is evident that a Suburban issue is necessary and will be specified in this proceeding as petitioner requests.[5]

7. *Accordingly, it is ordered*, That the motion to enlarge issues, filed May 23, 1969, by Robert A. Joseph and Jacqueline A. Joseph, doing business as R–J Co., is granted, and the issues in this proceeding are enlarged by the addition of the following issue: To determine the efforts made by Click Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet such needs and interests.

8. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein will be on Click Broadcasting Co.

Adopted: July 29, 1969.

Released: July 30, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[6]

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

[F.R. Doc. 69-9103; Filed, Aug. 1, 1969; 8:46 a.m.]

[Docket No. 18608; FCC 69-810]

SANTA FE TELEVISION, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Santa Fe Television, Inc., Santa Fe, N. Mex., Docket No. 18608, File No. BPCT-4182; for construction permit for new television broadcast station.

1. The Commission has before it for consideration (a) the above-captioned application filed by Santa Fe Television, Inc. (applicant), on January 8, 1969; (b) "Joint Petition to Deny", filed by New Mexico Broadcasting Co., Inc., licensee of Television Broadcast Station KGGM–TV, Channel 13, Albuquerque, N. Mex., and Hubbard Broadcasting, Inc., licensee of Television Broadcast Station KOB–TV, Channel 4, Albuquerque, N. Mex. (joint petitioners), on February 24, 1969; (c) "Opposition to the Joint Petition to Deny", filed by the applicant on March 18, 1969; (d) "Reply to the Opposition to the Petition to Deny", filed by the joint petitioners on April 15, 1969; and (e) a "Further Response", filed by the applicant on April 28, 1969.

2. The applicant is seeking a construction permit to establish a new commercial television broadcast station to operate on Channel 2, Santa Fe, N. Mex. The applicant proposes to operate with visual effective radiated power of 28 kw. with antenna height of 4,200 feet above average terrain. The location for the transmitter site is to be Sandia Crest, which is located in the Sandia Mountain range, approximately 43 miles southwest of Santa Fe and 14 miles northeast of Albuquerque. The population of Santa Fe is approximately 37,000 and the population of Albuquerque is approximately 225,000. From the proposed transmitter site, the applicant will provide a principal city contour over both Santa Fe and Albuquerque. However, the city signal in Albuquerque (96 dbu) will be of far greater intensity than the signal in Santa Fe (76 dbu).

3. The joint petitioners allege that the applicant, from the proposed transmitter site, will be able to place a high quality signal into their service area, resulting in an adverse impact upon their viewing audience, and that as a result, they will suffer economic injury and would otherwise be adversely affected. We find the joint petitioners have standing. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 R.R. 2008 (1940).

4. The joint petitioners allege that a grant of the application would constitute a de facto reallocation of Channel 2 from Santa Fe to Albuquerque. In support of this contention, it is stated that the proposed transmitter site is only 14 miles from Albuquerque but 43 miles from Santa Fe; that Albuquerque is the larger city; that the transmitter site is located at the same site used by the Albuquerque television broadcast stations; and that a 96 dbu signal will be provided to Albuquerque as compared to a 76 dbu signal over the principal community. In response, the applicant contends that the specifications of Sandia Crest was dictated by the following considerations: That antennas in the State are oriented towards Sandia Crest; that because of height and location in almost the dead center of the State, television signals from Sandia Crest are available to almost all the homes in the State; and that locating the transmitter at other sites would cause the signal from the Santa Fe station to come either directly into the rear or into the side of the antennas in Santa Fe. The Commission is of the view that the factual circumstances raise a substantial question as to whether the proposal would effect a reallocation of the channel. Therefore, the application must be set for hearing on this question. See, WFRV, Inc., 13 FCC 2d 704, 13 R.R. 2d 610 (1968); WLVA, Incorporated, 15 FCC 2d 757, 15 R.R. 2d 105 (1968); St. Anthony Television Corp., 8 FCC 2d 294, 10 R.R. 2d 38 (1967).

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[5] Click's contention that the petitioner has raised no new matters that were not considered by the Commission at the time of designation is without merit. The designation order, on the basis of Copper Basin's petition to deny, only discussed Click's program survey insofar as allegations of misrepresentation and fraud were concerned. There was no discussion of the adequacy of Click's efforts to ascertain community needs and interests and of its plans to meet such needs and interests. In regard to the applicant's efforts to meet the Suburban requirements, we note that Click, in its opposition to petitioner's request, indicates that it is conducting a further survey and that it will seek leave to amend its application to reflect the results thereof.

[6] Review Board Member Kessler absent.

5. The joint petitioners, in their argument concerning the de facto reallocation issue, appear to suggest that the applicant is not financially qualified because the amount of revenues available in the Santa Fe market is disputed by the parties. Where, however, an applicant demonstrates that it possesses the financial resources to operate for a year without income, the estimate of anticipated revenue has only limited significance, See Ultravision Broadcasting Company, 1 FCC 2d 544, 5 R.R. 2d 343 (1965). In this case, the applicant has demonstrated that it has available sufficient current and liquid assets, in excess of current liabilities, to construct and operate the station for a period of 1 year without revenue. Therefore, we find that the applicant is financially qualified.

6. The joint petitioners also contend that the applicant's proposal will not provide a fair, efficient and equitable allocation of television facilities in violation of section 307(b) of the Communications Act of 1934, as amended, in that a 6,265 square mile "white" area containing approximately 12,000 persons, located northeast of Santa Fe, will not be able to receive predicted coverage as a result of the applicants Sandia Crest transmitter site proposal. It is alleged further, that the existing "white" area would be able to receive its first regular television service if the applicant would specify a transmitter site with a closer proximity to Santa Fe. The joint petitioners state that there are other transmitter sites such as lower (South) Tesuque Peak, which are available and could be utilized by Santa Fe to provide a predicted service to the "white" area.

7. The applicant states that its transmitter site proposal will not result in any short-spacing or other technical violation of the Commission's rules. It is also stated that the alternate site proposed by the joint petitioners is not suitable because there is no access road or power facilities nearer than 1 mile from the peak, and that even if a road were built at a great cost, it would be inaccessible in the winter due to heavy snows. The applicant also states that the existing "white" area population is not economically oriented toward Santa Fe and that there are translators and CATV systems as well as limited off-the-air television reception in much of the "white" area.

8. We note that although there are auxiliary television facilities providing service to the "white" area population, we have held in our Report and Order on CATV Systems and Auxiliary Television Services, FCC 59-292, 18 R.R. 1573 (1959), that CATV, translators and boosters are not a substitute for regular direct television reception. Although it is disputed whether the "white" area is oriented toward Santa Fe, the people residing in this area cannot reasonably expect to receive regular television service except from a Santa Fe television station. Moreover, a transmitter site located in closer proximity to Santa Fe would ordinarily provide predicted coverage to the "white" area. Under these circumstances, we believe that a substantial question is raised as to whether the applicant's proposal will provide a fair, efficient and equitable allocation of television facilities, and that a hearing is necessary to resolve the important public interest question raised by the joint petitioners. In addition, although we will not ordinarily consider the availability of alternate sites where the applicant's proposal complies with the Commission's rules, see Selma Television, Incorporated, FCC 65-216, 4 R.R. 2d 714 (1965), under the circumstances of this case, where we also have a de facto reallocation issue and undisputed allegations[1] that there are available alternate sites from which coverage of Santa Fe could be obtained, we believe that evidence with respect to alternate sites can be admitted under the second issue specified below.

9. The joint petitioners also contend that a grant of the application will have an adverse impact on the development of UHF television broadcasting in Albuquerque. In support of this contention, it is stated that there are four television broadcast stations in Albuquerque, three commercial and one educational, and that although there are no operating UHF stations, a new VHF signal would be introduced into the market for the first time. Since the applicant expects to operate the station as an independent, it would directly compete with any UHF station for nonnetwork sources of programing and revenue in the Albuquerque market. The applicant states that a predicted signal will be provided over Albuquerque by any Santa Fe television station and that the Commission knew this when it assigned Channel 2 to Santa Fe. The applicant also states that the Commission has stated that it will not protect a UHF station from any and all fair competition. The Commission's concern with the development of UHF television broadcasting is too well known to require further discussion here.[2] We believe that the factual circumstances in this case raise a substantial question concerning an adverse impact on the development of UHF broadcasting in Albuquerque and that a hearing is necessary to resolve the issue. Consequently, an appropriate issue will be specified.

10. In regard to the applicant's programing proposal, we note that the survey taken to determine the communities needs, problems and issues, appears to be inadequate. We recently held in City of Camden, FCC 69-644, released June 13, 1969, that the applicant "should indicate, by cross-sectional survey, statistically reliable samplings, or other valid method, that the range of groups, leaders and individuals consulted is truly representative of the economic, social, political, cultural, and other elements of the community." The applicant lists only 23 community leaders which were consulted to ferret out the needs of the community which it proposes to serve.[3] We note that only one woman was among the community leaders, and that no representatives of students, teenagers or young people, labor groups or lower economic groups were consulted. In addition, although Santa Fe contains a large number of people of Spanish descent, it does not appear that any effort was made to consult with leaders of the Spanish community in Santa Fe. Before an applicant can make a valid evaluation and judgment concerning proposed programing to meet the needs and interests of the community, adequate information regarding the community's needs is required. We have held that sufficient material must be available to establish that a careful investigation of the community was made and that a meaningful result was obtained. We cannot determine, on the basis of the information presently before us, whether the applicant complied with our longstanding policy that an applicant seek out and be responsive to a community's needs and interests.[4] Therefore, a programing issue will be specified.

11. *Accordingly, it is ordered*, That, to the extent indicated above, the joint petition to deny filed by New Mexico Broadcasting Co., Inc., and Hubbard Broadcasting, Inc., is granted, and in all other respects is denied; and that the application of Santa Fe Television, Inc., is designated for hearing, at a time and place specified in a subsequent order, on the following issues:

(1) To determine whether a grant of the application would constitute a de facto reallocation of Channel 2 to Albuquerque, inconsistent with section 307(b) of The Communications Act of 1934, as amended, and § 73.606 of the Commission's rules.

(2) To determine whether a grant of the application would be consistent with section 307(b) of The Communications Act of 1934, as amended, with respect to whether the proposed operation would constitute a fair, efficient, and equitable use of the frequency.

(3) To determine whether a grant of the application would impair the ability of prospective UHF television broadcast

[1] The joint petitioners allege that there are alternate transmitter sites available, located south of Santa Fe and well above average terrain, from which coverage of Santa Fe could be attained. The applicant, in its responsive pleadings, does not address itself to this contention except to say that other transmitter sites will result in a shielding of its signal in Albuquerque.

[2] Triangle Publications, Inc., 29 FFC 315, 17 R.R. 624 (1960), affirmed sub. nom. Triangle Publications, Inc. v. Federal Communications Commission 110 U.S. App. D.C. 214, 291 F. 2d 324, 21 R.R. 2039 (1961); Selma Television Incorporated supra.; Louisiana Television Broadcasting Corporation, FCC 69-567, released May 27, 1969.

[3] The applicant also relies upon a telephone survey taken in Santa Fe to determine the needs of the community. However, it is obvious from the questionnaire used by the telephone interviewers, that the audience's current broadcast programing preferences and not the community's needs, problems, and issues were elicited.

[4] See Commission En Banc Programming Inquiry, FCC 60-970, 20 RR 1901 (1960); Minshall Broadcasting Co., 11 FCC 2d 796 (1968); Suburban Broadcasters, 30 FCC 1021 (1961).

stations in Albuquerque to compete effectively, or would jeopardize, in whole or in part, the establishment of UHF television service.

(4) To determine the efforts made by Santa Fe Television, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine, in light of the evidence adduced pursuant to the above issues, whether a grant of the application would serve the public interest, convenience, and necessity.

12. *It is further ordered*, That, New Mexico Broadcasting Co., Inc., and Hubbard Broadcasting, Inc., are made parties to the proceeding.

13. *It is further ordered*, That, with respect to issues (1), (2), and (3), the burden of proceeding with the introduction of evidence is placed upon New Mexico Broadcasting Co., Inc., and Hubbard Broadcasting, Inc., and the burden of proof is placed upon Santa Fe Television, Inc.; that, with respect to issue (4), the burden of proceeding with the introduction of evidence and the burden of proof is placed upon Santa Fe Television, Inc.

14. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the parties herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order.

15. *It is further ordered*, That, Santa Fe Television, Inc., pursuant to section 311(a)(1) of the Commission's rules, shall give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Commission's rules.

Adopted: July 23, 1969.

Released: July 30, 1969.

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

[F.R. Doc. 69-9104; Filed, Aug. 1, 1969; 8:47 a.m.]

[Docket No. 18609; FCC 69-814]

JOHN DEE YOUNG

Order Designating Application for Hearing on Stated Issues

In re application of John Dee Young, in care of American Radio Association, 270 Madison Avenue, New York, N.Y. 10016, Docket No. 18609; for renewal of radiotelegraph second class operator license, T2-24-761.

1. The Commission has under consideration the above-captioned application submitted by John Dee Young whose address appears above.

2. From information coming before the Commission it appears that serious questions are raised concerning the qualifications of John Dee Young to carry out the responsibilities of a radio operator on ships required to be equipped with radio for safety purposes, and that this information and the questions concerning his qualifications should be fully explored in a hearing upon the issues hereinafter set forth.

3. *It is ordered*, Pursuant to section 303(l) of the Communications Act of 1934, as amended, and § 1.84 of the Commission's rules that the captioned application be designated for a hearing at a time and place to be specified in a subsequent order upon the following issues:

(a) To determine whether John Dee Young in the light of his past record of conduct while employed as a ship radio operator possesses the necessary qualifications to carry out the responsibilities of a radio operator on ships required under the Communications Act to be equipped with radio for safety purposes.

(b) To determine whether John Dee Young's character qualifications are such that he can be relied upon to carry out the responsibilities of a radio operator.

(c) To determine in the light of the evidence adduced under the foregoing issues whether it will be in the public interest to grant the application of John Dee Young for renewal of a Radiotelegraph Second Class Operator License.

4. *It is further ordered*, That the burden of proceeding with the introduction of evidence shall be upon the Chief, Field Engineering Bureau and the burden of proof shall be upon the applicant.

5. *It is further ordered*, That to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney shall within twenty (20) days of the mailing of this order file with the Commission in triplicate a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified.

6. *It is further ordered*, That the Chief Field Engineering Bureau, shall within ten (10) days after release of this order, furnish a Bill of Particulars to the applicant herein.

Adopted: July 24, 1969.

Released: July 29, 1969.

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

[F.R. Doc. 69-9105; Filed, Aug. 1, 1969; 8:47 a.m.]

[1] Commissioner Cox absent.

[1] Commissioner Robert E. Lee concurring in the result; Commissioner Cox absent; Commissioner Wadsworth dissenting.

FEDERAL MARITIME COMMISSION

WILHELMSEN COMPANIES ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for aproval 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:

Seymour H. Kligler, Esq., Herman Goldman, Attorneys and Counselors at Law, 120 Broadway, New York, N.Y. 10005

Agreement No. 9809, among the Wilhelmsen Companies, the Fearnley Companies, and the Klaveness Companies (as Owners) and Barber Lines A/S (as Charterer), provides for the establishment of a cooperative working arrangement by the parties between ports of the United States including Hawaii, and worldwide ports. The Charterer will engage in business as a common carrier in the specified trade utilizing vessels which it will charter from the Owners. The Charterer will operate such vessels for its own account under the trade name "Barber Lines", may file its own tariffs or make itself a party to tariffs of conference, rate or other agreements by becoming a party to such agreements, and shall issue its own bills of lading, and may appoint such agents and subagents, contract for such terminals and stevedores and engage all other persons required as a common carrier by water, under terms and conditions set forth in the agreement. The capital stock of the Charterer will be owned by one or more of the companies comprising the Wilhelmsen Companies, the Fearnley Companies, and the Klaveness Companies.

The subject agreement will, upon approval, cancel, and supersede Agreements Nos. 7589, 7653, 7668, 8512, and 9346, joint service arrangements between the Owners in trades between ports of the United States and worldwide ports.

Dated: July 30, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9106; Filed, Aug. 1, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3891 etc.]

D. B. McCONNELL ET AL.

Findings and Order

JULY 25, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successors co-respondents, redesignating proceedings, making rate change effective, accepting agreement and undertaking and surety bond for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Sun Oil Co., Applicant in Docket No. G-16203, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Van-Grisso Oil Co. FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicant. On April 30, 1962, Van-Grisso filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 1. By order issued May 23, 1962, in Docket No. RI62-431 et al., the Commission suspended the operation of the proposed change in Docket No. RI62-442 until November 1, 1962, and thereafter until made effective. The change was designated as Supplement No. 2 to Van-Grisso's FPC Gas Rate Schedule No. 1. On April 21, 1969, Sun filed a motion to make the change in rate effective subject to refund, together with an agreement and undertaking to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Sun will be substituted in lieu of Van-Grisso as respondent in the proceeding pending in Docket No. RI62-442; the proceeding will be redesignated accordingly; the change in rate will be made effective subject to refund; and the agreement and undertaking will be accepted for filing.

Burk Gas Corp., Applicant in Dockets Nos. CI63-152 and CI63-153, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Whitestone Petroleum Corp. FPC Gas Rate Schedule Nos. 4 and 5, respectively. Said rate schedules will be redesignated as those of Applicant. The presently effective rate under Whitestone's FPC Gas Rate Schedule No. 4 is in effect subject to refund in Docket No. RI65-291. Whitestone filed a change in rate under its FPC Gas Rate Schedule No. 5, the operation of which change is suspended in Docket No. RI69-589. Therefore, Applicant will be made a co-respondent in the proceeding pending in Docket No. RI65-291 and will be substituted as respondent in the proceeding pending in Docket No. RI69-589; said proceedings will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. RI65-291.

Jerome P. McHugh (Operator) et al., Applicant in Docket No. CI69-860, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-19516 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 38. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under Mobil's rate schedule is in effect subject to refund in Docket No. RI67-273. Mobil has filed an increased rate under its rate schedule which increase is suspended in Docket No. RI69-430. Applicant indicates in his certificate application that he will be responsible for the total refund from the time that the increased rate was made effective subject to refund in Docket No. RI67-273; however, he has filed a surety bond to assure refunds of only those amounts collected by him from March 26, 1969. Therefore, Applicant will be made a co-respondent in the proceedings pending in Dockets Nos. RI67-273 and RI69-430; the proceedings will be redesignated accordingly; and the surety bond filed in Docket No. RI67-273 will be accepted for filing.[1]

Shell Oil Co., Applicant in Docket No. CI69-945, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI61-516 to be made pursuant to Pan American Petroleum Corp. FPC Gas Rate Schedule No. 330. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. On November 29, 1968, Pan American filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 330. By orders of December 31, 1968, and February 4, 1969, in Dockets Nos. RI69-408 et al., and RI69-411 et al., respectively, the Commission suspended the operation of the proposed change until June 1, 1969, and thereafter until made effective. The change was designated as Supplement No. 36 to Pan American's FPC Gas Rate Schedule No. 330. On April 7, 1969, Shell filed a motion to make the change in rate effective subject to refund. Shell indicates in its certificate application that it will be responsible for the total refund from the time that the rate is made effective. Shell has heretofore filed a general agreement and undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act. Therefore, Shell will be made a co-respondent in the proceeding pending in Docket No. RI69-413; the proceeding will be redesignated accordingly; and the change in rate will be made effective subject to refund.

King Resources Co., Applicant in Docket No. CI69-972, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI65-1145 to be made pursuant to Pan American Petroleum Corp. FPC Gas Rate Schedule No. 419. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under Pan American's rate schedule is in effect subject to refund in Docket No. RI69-103. Therefore, Applicant will be made a co-respondent in the proceeding pending in Docket No. RI69-103; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each

[1] The surety bond has some references to the notice of the certificate application in Docket No. CI69-860 issued Mar. 26, 1969, in Docket No. G-8785 et al., rather than the notice of effectiveness of the proposed rate change in Docket No. RI67-273 issued July 20, 1967, in Docket No. RI67-286, et al. The bond will be construed as though references to the latter notice correctly appear.

action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER no petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on July 17, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates in Dockets Nos. G–3891, G–3992, G–16203, G–18726, G–19516, CI61–516, CI61–636, CI62–965, CI63–152, CI63–153, CI63–234, CI64–990, CI64–1405, CI64–1147, CI65–1145, CI68–261, CI68–274, CI68–677, and CI69–732 should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sun Oil Co. should be substituted in lieu of Van-Grisso Oil Co. as respondent in the proceeding pending in Docket No. RI62–442, that said proceeding should be redesignated accordingly, that the proposed change in rate suspended in said proceeding should be made effective subject to refund, and that the agreement and undertaking submitted by Sun should be accepted for filing.

(10) It is necessary and appropriate in carrying out the Natural Gas Act that Burk Gas Corp. should be made a co-respondent in the proceeding pending in Docket No. RI65–291 and substituted as respondent in the proceeding pending in Docket No. RI69–589, that said proceedings should be redesignated accordingly, and that Burk should be required to file an agreement and undertaking in Docket No. RI65–291.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Jerome P. McHugh (Operator) et al., should be made a co-respondent in the proceedings pending in Dockets Nos. RI67–273 and RI69–430, that said proceedings should be redesignated accordangly, and that the surety bond submitted by him in Docket No. RI67–273 should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Shell Oil Co. should be made a co-respondent in the proceeding pending in Docket No. RI69–413, that said proceeding should be redesignated accordingly, and that the proposed change in rate suspended in said proceeding should be made effective with respect to sales made by Shell from properties acquired from Pan American Petroleum Corp.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that King Resources Co. should be made a co-respondent in the proceeding pending in Docket No. RI69–103, that said proceeding should be redesignated accordingly, and that Applicant should be required to file an agreement and undertaking.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificate are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. CI69–719 shall be the applicable area base rate (15.5 cents per Mcf at 14.65 p.s.i.a. plus applicable State and local taxes in effect on Sept. 1, 1965) as adjusted for quality, pursuant to ordering paragraph (B) of Opinion No. 468, as modified by Opinion No. 468–A, or the contract rate whichever is lower.

(b) If the quality of the gas delivered by Applicant in Docket No. CI69–719 deviates at any time from the quality

standards set forth in ordering paragraph (B) of Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(c) Within 45 days from the date of this order Applicant in Docket No. CI69–719 shall file three copies of a rate schedule quality statement as specified by ordering paragraph (F) of Opinion No. 468, as modified by Opinion No. 468–A, reflecting the rate determined in paragraph (a) above.

(d) The sale authorized in Docket No. CI63–234 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(e) The certificates in Dockets Nos. CI69–865 and CI69–1039 are conditioned by limiting the buyers' daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves under the subject contracts.

(F) Applicant in Docket No. CI69–1052 shall file a billing statement reflecting the 15 cents rate as required by the regulations under the Natural Gas Act.

(G) Applicant in Docket No. G–3891 shall file a sample billing statement as required by the regulations under the Natural Gas Act.

(H) A certificate is issued herein in Docket No. CI69–719 authorizing Union Oil Company of California to continue the sale of natural gas previously covered by the certificate issued to Continental Oil Co. in Docket No. CI61–636.

(I) The order issuing a certificate in Docket No. CI61–363 is amended by deleting therefrom the interests of Union Oil Company of California.

(J) The orders issuing certificates in Dockets Nos. G–3891, G–18726, CI63–234, CI68–261, CI68–677, and CI69–732 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(K) The orders issuing certificates in Dockets Nos. G–19516, CI61–516, CI62–965, CI64–990, CI64–1405, CI65–1145, and CI68–274 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69–860, CI69–945, CI69–942, CI69–1051, CI69–1052, CI69–972, and CI69–966, respectively.

(L) The orders issuing certificates in Dockets Nos. G–3992, G–16203, CI63–152, CI63–153, and CI64–1147 are amended by substituting the successors in interest as certificate holders.

(M) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(N) Permission for and approval of the abandonment in Docket No. CI69–1075 shall not be construed to relieve Applicant of any refund obligations in the related rate suspension proceedings pending in Dockets Nos. G–18104, RI60–192, RI61–397, RI62–366, RI63–370, RI64–611, RI65–508, and RI68–130.

(O) Permission for and approval of the abandonment in Docket No. CI69–1091 shall not be construed to relieve Applicant of any refund obligations incurred in the related rate suspension proceeding pending in Docket No. RI63–230.

(P) The certificate heretofore issued in Docket No. G–2999 is terminated only insofar as it pertains to Champlin Petroleum Co. FPC Gas Rate Schedule No. 14.

(Q) The certificates heretofore issued in Dockets Nos. G–3821, G–10241, G–10379, and G–14571 are terminated.

(R) Sun Oil Co. is substituted in lieu of Van-Grisso Oil Co. as respondent in the proceeding pending in Docket No. RI62–442, said proceeding is redesignated accordingly, and the agreement and undertaking submitted by Sun in said proceeding is accepted for filing. The rates, charges, and classifications set forth in Supplement No. 2 to Sun Oil Co. FPC Gas Rate Schedule No. 247 shall be effective subject to refund as of April 21, 1969. Said effective rates shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI62–442.

(S) Sun Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Sun in Docket No. RI62–442 shall remain in full force and effect until discharged by the Commission.

(T) Burk Gas Corp. is made a co-respondent in the proceeding pending in Docket No. RI65–291 and is substituted in lieu of Whitestone Petroleum Corp. as respondent in Docket No. RI69–589, and said proceedings are redesignated accordingly.

(U) Within 30 days from the date of this order Burk Gas Corp. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI65–291 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(V) Burk Gas Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it in Docket No. RI65–291 shall remain in full force and effect until discharged by the Commission.

(W) Jerome P. McHugh (Operator), et al, is made a co-respondent in the proceedings pending in Dockets Nos. RI67–273 and RI69–430, said proceedings are redesignated accordingly and the surety bond submitted by him in Docket No. RI67–273 is accepted for filing.

(X) Jerome P. McHugh (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bond filed by him in Docket No. RI67–273 shall remain in full force and effect until discharged by the Commission.

(Y) Shell Oil Co. is made a co-respondent in the proceeding pending in Docket No. RI69–413 and the proceeding is redesignated accordingly. The rates, charges, and classifications set forth in Supplement No. 36 to Pan American Petroleum Corp. FPC Gas Rate Schedule No. 330 shall be effective subject to refund as of June 1, 1969, with respect to sales made by Shell pursuant to its FPC Gas Rate Schedule No. 367 from properties heretofore dedicated to Pan American's FPC Gas Rate Schedule No. 330. Said effective rate shall be charged and collected by Shell as of the effective date subject to any future orders of the Commission in Docket No. RI69–413. Shell shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(Z) King Resources Co. is made a co-respondent in the proceeding pending in Docket No. RI69–103 and the proceeding is redesignated accordingly.

(AA) Within 30 days from the date of this order, King Resources Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in Docket No. RI69–103. Unless notified to the contrary within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(BB) King Resources Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it shall remain in full force and effect until discharged by the Commission.

(CC) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G-3801 ..... C 4-28-69 [1]	D. B. McConnell (Operator) et al.	Arkansas Louisiana Gas Co., Sligo Field, Bossier Parish, La.	Amendment 12-5-68	4	7
			Amendment 5-25-69 [2] [3]	4	8
G-3902 ..... E 2-3-67	Belva H. Mullan, agent (successor to Marrowbone Gas Co.).	United Fuel Gas Co., Marrowbone Creek, Mingo County, W. Va.	Marrowbone Gas Co., FPC GRS No. 1.	1	.....
			Supplement No. 1	1	1
			Notice of change 10-10-68		
			Effective date: 3-6-67		
G-16203 ..... E 4-27-69	Sun Oil Co. (successor to Van-Grisso Oil Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Moeane Field, Beaver County, Okla.	Van-Grisso Oil Co., FPC GRS No. 1.	247	.....
			Supplement Nos. 1-2	247	1-2
			Notice of succession 4-14-69.		
			Conveyance 9-1-68 [4]	247	3
			Effective date: 9-1-68		
G-18726 ..... D 3-20-69	Mobil Oil Corp. (Operator) et al.	Transwestern Pipeline Co., acreage in Ellis County, Okla.	Letter agreement 2-7-69 [5] [6]	232	12
CI63-152 ..... E 3-28-69	Burk Gas Corp. (successor to Whitestone Petroleum Corp.).[7]	Cities Service Gas Co., Northwest Quinlan Field, Woodward County, Okla.	Whitestone Petroleum Corp., FPC GRS No. 4.	11	.....
			Supplement Nos. 1-2	11	1-2
			Notice of succession 3-27-69.		
			Assignment 3-14-69 [8]	11	3
			Assignment 3-24-69 [8]	11	4
			Effective date: 1-1-69		
CI63-153 ..... E 3-28-69	do [7]	Panhandle Eastern Pipe Line Co., Southwest Anadarko Basin Area, Beaver County, Okla.	Whitestone Petroleum Corp., FPC GRS No. 5.	12	.....
			Supplement Nos. 1-2	12	1-2
			Notice of succession 3-27-69.		
			Assignment 3-14-69 [8]	12	3
			Assignment 3-24-69 [8]	12	4
			Effective date: 1-1-69		
CI63-234 ..... C 5-21-69 [1] [9]	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Red Oak Area, Le Flore County, Okla.	Supplemental agreement 4-16-69 [3]	333	26
CI64-1147 ..... E 3-28-69	Burk Gas Corp. (successor to Whitestone Petroleum Corp.[7]).	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	Whitestone Petroleum Corp., FPC GRS No. 6.	13	.....
			Supplement Nos. 1-2	13	1-2
			Notice of succession 3-27-69.		
			Assignment 3-14-69 [8]	13	3
			Assignment 3-24-69 [8]	13	4
			Effective date: 1-1-69		
CI68-261 ..... C 5-21-69 [1]	Mallard Drilling Corp., and Central Oil Co.	Southern Natural Gas Co., Spider Field, De Soto Parish, La.	Amendment 5-12-69 [3]	1	3
CI68-677 ..... D 3-14-69	Mobil Oil Corp.	Arkansas Louisiana Gas Co., Chismville Field, Logan County, Ark.	Letter agreement 2-7-69. [5] [6]	410	1
CI69-719 ..... A 1-27-69 [10] (CI61-434)	Union Oil Co. of California.[11]	Transwestern Pipeline Co., Bell Lake Unit, Lea County, N. Mex.	Ratified 3-1-61	195	.....
			Contract 10-12-60 [12]	195	1
			Letter agreement 3-27-62 [13]	195	2
			Letter agreement 10-21-63.[13]	195	3
			Letter agreement 12-15-65.[13]	195	4
			Letter agreement 4-5-68.[5] [17]	195	5
CI69-722 ..... C 5-19-69 [1]	Bowers Drilling Co., Inc.	Cities Service Gas Co., Etna Field, Barber County, Kans.	Agreement 5-14-69 [3]	11	1

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69-860 ..... (G-19518) F 3-10-69	Jerome P. McHugh (Operator) et al. (successor to Mobil Oil Corp.).	El Paso Natural Gas Co., San Juan Basin, Dakota and Gallup Fields, Rio Arriba County, N. Mex.	Contract 6-15-56 [18]	4	.....
			Farmout agreement 2-19-69,[3] [19]	4	1
CI69-865 ..... A 3-14-69 [3]	Marathon Oil Co.[20]	Arkansas Louisiana Gas Co., Cedar Springs Field, Upshur County, Tex.	Contract 1-30-69 [21]	196	.....
			Contract 1-2-69 [3]	196	1
CI69-942 ..... (CI62-965) F 4-2-69	J. P. Owen (Operator) et al. (successor to Gulf Oil Corp.).	United Gas Pipe Line Co., Garden City Field, St. Mary Parish, La.	Contract 1-11-62 [22]	18	.....
			Letter agreement 2-4-63	18	1
			Amendment 8-10-62 [23]	18	2
			Settlement 11-15-63	18	3
			Sublease 6-15-68 [24]	18	4
CI62-965 [25]	Gulf Oil Corp.	do	Sublease 6-15-68 [26]	235	10
			Effective date: 5-31-69		
CI69-945 ..... (CI61-516) F 4-7-69	Shell Oil Co. (successor to Pan American Petroleum Corp.).	Michigan Wisconsin Pipe Line Co., Northwest Chester Field, Woodward County, Okla.	Contract 8-25-60 [27]	387	.....
			Assignment 1-9-62 [27]	387	1
			Letter 4-18-69 [3] [28]	387	2
CI69-966 ..... (CI68-274) F 4-15-69	King Resources Co. (successor to Standard Oil Co. of Texas, a division of Chevron Oil Co.).	Michigan Wisconsin Pipe Line Co., North Thorndike Field, Gray County, Tex.	Contract 8-7-67 [29]	19	.....
			Farmout agreement 9-3-68.[30]	19	1
			Letter agreement 9-12-68.[3] [31]	19	2
CI69-972 ..... (CI65-1145) F 4-18-69	King Resources Co. (successor to Pan American Petroleum Corp.).	Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.	Contract 4-7-65 [32]	20	.....
			Assignment 2-28-69 [33]	20	1
			Assignment 3-6-69 [3] [34]	20	2
CI69-1039 ..... A 5-14-69 [1]	Colorado Oil & Gas Corp.[35]	Kansas-Nebraska Natural Gas Co., Inc., Pony Creek Field, Fremont County, Wyo.	Contract 4-29-69 [3]	64	.....
CI69-1051 ..... (CI64-990) F 5-9-69	A-L Ltd. (successor to Tenneco Oil Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Moeane Field, Beaver County, Okla.	Contract 3-5-57 [36]	1	.....
			Supplement Agreement 7-1-57.	1	1
			Supplemental Agreement 3-14-58.	1	2
			Amendment 5-1-67	1	3
			Assignment 2-24-69 [37]	1	4
			Assignment 2-28-69 [38]	1	5
CI69-1052 ..... (CI64-1465) [39] A 5-12-69 [1] F 5-12-69	Whittington Oil Co., Inc. (Operator) et al. (successor to Steve Gose (Operator) et al.).	Arkansas Louisiana Gas Co., Arkoma Basin, Haskell, Le Flore, Latimer, and Pittsburg Counties, Okla.	Contract 3-30-64 [40]	1	.....
			Letter agreement 3-30-64.[41]	1	1
			Letter agreement 3-30-64. [42]	1	2
			Letter agreement 7-28-64	1	3
			Assignment 10-1-68 [43]	1	4
			Effective date: 8-1-68		
CI69-1055 ..... A 5-14-69 [1]	J. B. Jackson et al., d.b.a. J. B. Jackson Drilling Co.	United Fuel Gas Co., Walton District, Roane County, W. Va.	Contract 11-25-58 [3]	3	.....
CI69-1056 ..... A 5-14-69 [1]	Brooks F. McCabe	United Fuel Gas Co., Elk District, Kanawha County, W. Va.	Contract 4-5-48.[44]	1	.....
CI69-1063 ..... A 5-19-69 [1]	Quaker State Oil Refining Corp.	Cabot Corp., Ripley District, Jackson County, W. Va.	Contract 4-24-69 [3]	30	.....
CI69-1064 ..... (G-3821) B 5-19-69	R. Morgan Properties	South-Tex Corp., Farenthold Field, Jim Wells and Nueces Counties, Tex.	Notice of cancellation 5-15-69,[3] [45]	1	8
CI69-1068 ..... A 5-19-69 [1]	Bert Fields, Jr. (Operator) et al.	United Gas Pipe Line Co., East Henderson Field, Rusk County, Tex.	Contract 5-14-69	13	.....
CI69-1069 ..... A 5-20-69 [1]	Shell Oil Co.	Northern Natural Gas Co., Gooch Field, Stevens County, Kans.	Contract 4-22-69 [3] [46]	368	.....
CI69-1075 ..... (G-14571) B 5-21-69	Edwin L. Cox (Operator) et al.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Notice of cancellation 5-20-69. [3] [47]	19	9

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI69-1076 ..... (G-2999) [47] B 5-21-69	Champlin Petroleum Co.	United Gas Pipe Line Co., Carthage Field (Kyle Unit No. 1) Panola County, Tex.	Notice of cancellation 5-20-69. [1] [45]	14	8
CI69-1085 ..... A 5-22-69 [1]	Maynard Buck, et al., d/b/a Montlar Oil & Gas Company	United Fuel Gas Co., Elk and Union Districts, Kanawha County, W. Va.	Contract 5-12-69 [1] [46]	2	.....
CI69-1089 ..... (G-10241) B 5-22-69	Trice Production Co., (Operator) et al.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Notice of cancellation 5-19-69. [1] [45]	16	2
CI69-1091 ..... (G-10379) B 5-22-69	Forest Oil Corp.	Jernigan & Morgan Transmission Co., East Victor Field, Lincoln County, Okla.	Notice of cancellation 5-21-69. [1] [45]	19	3

[1] January 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[2] Eliminates Favored Nations Clause from the basic contract as amended.
[3] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[4] Conveys acreage from Van-Grisso Oil Co. to Applicant.
[5] Deletes acreage due to expiration or cancellation of nonproductive leases.
[6] Effective date: Date of this order.
[7] Predecessor in interest to Novo Oil, Inc.
[8] Assigns interest of Whitestone Petroleum Corp. to Novo Oil, Inc.
[9] Assigns interest of Novo Oil, Inc., to Applicant.
[10] Applicant filed for a rate of 15 cents per Mcf including tax reimbursement, although a rate of 16.015 cents per Mcf is in effect subject to refund for other acreage covered under this rate schedule.
[11] Applicant is requesting a certificate to cover its portion of a sale presently covered by Continental Oil Co. FPC GRS No. 180 and certificate in Docket No. C161-636.
[12] By letter dated May 16, 1969, as corrected by telegram of May 22, 1969, Applicant agreed to accept a permanent certificate conditioned to the area ceiling rate of 15.5 cents per Mcf at 14.65 p.s.i.a.
[13] On file as Continental's FPC GRS No. 180.
[14] Establishes the date of initial delivery as Aug. 16, 1961, for the sale under the Mar. 1, 1961, ratification.
[15] Ratifies a June 3, 1963, letter agreement, attached, which limits dedicated reserves and revised take-or-pay requirements.
[16] Revises daily contract quantity and establishes a schedule for payment of take-or-pay deficiency.
[17] Revises daily contract quantity, establishes dollar amount of take-or-pay deficiency and provides that buyer may makeup for prepaid gas by withholding one-third of the payment for gas purchased.
[18] On file as Mobil Oil Corp. FPC GRS No. 38.
[19] From Mobil to McHugh (limited to depths from the base of the Mesaverde Formation to the base of the Dakota Formation).
[20] By filing received Apr. 22, 1969, Applicant advised willingness to accept a permanent certificate with take-or-pay condition based on a 1 to 7,300 take-to-reserve ratio, provided it shall receive the benefit of a change in take obligation subsequently authorized by the Commission for any comparable sale of gas in the area to the extent permitted by its contract.
[21] Adopts terms of Jan. 2, 1969, contract between Texaco, Inc., and Arkansas Louisiana Gas Co.
[22] Between Gulf Oil Corp. and United Gas Pipe Line Co.; on file as Gulf Oil Corp. FPC GRS No. 235.
[23] Adds acreage from a depth of 15,906 feet to a depth of 15,920 feet.
[24] Assigns acreage from Gulf Oil Corp. to J. P. Owens (Operator) et al.
[25] No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.
[26] Currently on file as Pan American Petroleum Corp. FPC GRS No. 330.
[27] Assigns acreage from Pan American Petroleum Corp. to Applicant.
[28] Provides for a full percentage downward B.t.u. adjustment and for a 5-year makeup period for gas paid for but not taken.
[29] Currently on file as Standard Oil Company of Texas, a division of Chevron Oil Co. FPC GRS No. 45.
[30] From Standard Oil Co. to V. Ross Brown.
[31] V. Ross Brown assigns interest under Sept. 3, 1968, Farmout agreement to Applicant.
[32] Currently on file as Pan American Petroleum Corp. FPC GRS No. 419.
[33] From Pan American Petroleum Corp. to A. J. Mullikin.
[34] From A. J. Mullikin to Applicant.
[35] Applicant is willing to accept a permanent certificate on the condition that the buyer's daily take-or-pay obligation for each well during the first year shall not exceed 1 Mcf for each 7,300 Mcf of reserves.
[36] Currently on file as Tenneco Oil Co. (Operator) et al., FPC GRS No. 32.
[37] Assigns acreage from Tenneco Oil Co. to Aikman Bros. Corp.
[38] Assigns acreage from Aikman Bros. Corp. to Applicant.
[39] Part of the acreage was never covered by Gose's certificate, although Gose had commenced service therefrom.
[40] Between Steve Gose et al., and Arkansas Louisiana; also on file as Gose's FPC GRS No. 1.
[41] Pertains to contract quantities.
[42] Requires buyer to connect facilities to certain wells.
[43] Transfers certain interests from Steve Gose to Whittington Oil Co., Inc.
[44] Sale being rendered on June 7, 1964.
[45] Source of gas depleted.
[46] Acreage committed as to all depths between 3400' and 6740'.
[47] Other sales covered under Docket No. G-2999; therefore, the certificate in said docket will be terminated only insofar as it pertains to Applicant's FPC GRS No. 14.
[48] Gas produced from the Newburg Sand only.

Suggested General Undertaking in Accordance with Order No. 377:

For Applicant in Docket No. CI69-972.

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent) (----------)

GENERAL UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF § 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees to comply with the refunding and reporting provisions of § 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to any present and future rate increases suspended under section 4(e) of the Natural Gas Act and collected subject to refund thereunder and has caused this undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 196--.

(Name of Respondent)

By ----------

Attest:

Suggested Agreement and Undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent) ----------

[Docket No. RI65-291]

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF § 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of § 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. -------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorzied officer this ------ day of ----------, 196--.

(Name of Respondent)

By ----------

Attest:

[F.R. Doc. 69-9010; Filed, Aug. 1, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

JULY 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey, a New Jersey corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 30, 1969, through August 8, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-9085; Filed, Aug. 1, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 723]

VIRGINIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the city of Alexandria, Va.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid city and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 22, 1969.

OFFICE

Small Business Administration Regional Office, 1405 Eye Street NW., Washington, D.C. 20417.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1970.

Dated: July 24, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-9086; Filed, Aug. 1, 1969; 8:45 a.m.]

[Delegation of Authority No. 30 (Revision 12), Amdt. 7]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30 (Revision 12) (32 F.R. 179), as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, 34 F.R. 5134, and 34 F.R. 11165) is hereby further amended by adding new Items I.B.7 and I.B.8, to read as follows:

* * * * *

I. *Area Administrators.* * * *

B. *Development company assistance program.* * * *

7. To enter into section 502 loan participation agreements with banks.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

* * * * *

Effective date: July 24, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-9087; Filed, Aug. 1, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 30, 1969.

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

LONG-AND-SHORT HAUL

FSA No. 41704—*Chlorine from Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A6120), for and on behalf of the Illinois Central Railroad Co. Rates on chlorine, in tank carloads, as described in the application, from Calvert, Ky., to Alton, Federal, and Wood River, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 32 to Southern Freight Association, agent, tariff ICC S-800.

FSA No. 41705—*Tin or terne plate from Norrell Junction, Ala.* Filed by Southwestern Freight Bureau, agent (No. B-66), for interested rail carriers. Rates on plate, tin, or terne and tin mill black, in carloads, as described in the application, from Norrell Junction, Ala., to Fort Worth, Galveston, Houston, and Longview, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 116 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-9112; Filed, Aug. 1, 1969; 8:47 a.m.]

[Notice 388]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 30, 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-71568. By application filed July 28, 1969, GUY W. MANGUM, doing business as GUY MANGUM MASONRY WORKS, 201 Hathaway Drive, El Dorado, Ark. 71703, seeks temporary authority to lease the operating rights of JACK B. BIVENS, 729 South Washington, El Dorado, Ark. 71703, under section 210a(b). The transfer to GUY W. MANGUM, doing business as GUY MANGUM MASONRY WORKS, of the operating rights of JACK B. BIVENS, is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-9113; Filed, Aug. 1, 1969; 8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August