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Title 7—AGRICULTURE

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

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT OF FLORIDA

Order Amending Order, as Amended, Regulating Handling of Grapefruit Grown in Indian River District in Florida

§ 912.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Vero Beach, Fla., February 25, 1969, upon proposed amendment of the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended and as hereby further amended, regulates the handling of grapefruit grown in the Indian River District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Indian River District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Indian River District, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement regulating the handling of grapefruit grown in the Indian River District in Florida, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the grapefruit covered by this order) who, during the period August 5, 1968, through May 4, 1969, handled not less than 50 percent of the volume of grapefruit covered by the said order as hereby amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (Aug. 5, 1968, through May 4, 1969) were engaged, within the production area, in the production of grapefruit for market; such producers having also produced for market at least two-thirds of the volume of grapefruit represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order, as amended and as hereby further amended, as follows:

§ 912.46 [Amended]

1. The word "calendar" is deleted wherever it appears in § 912.46.

§ 912.47 [Amended]

2. The word "calendar" is deleted wherever it appears in § 912.47.

3. Section 912.48 *Prorate bases* is revised by revising paragraph (d) thereof to read as follows and by deleting paragraph (e) thereof:

§ 912.48 Prorate bases.

* * * * *

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of grapefruit in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped grapefruit. For purposes of this section "representative period" means the three preceding seasons together with the current season; the term "season" means the 51-week period beginning with the first full week in August of any year; and the term "current season" means the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation: *Provided,* That when official shipping records are available to the committee the said "current season" shall extend through the third full week preceding the week of regulation.

(e) [Deleted]

4. Section 912.50 *Overshipments* is revised to read as follows:

§ 912.50 Overshipments.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of grapefruit equivalent to 10 percent of such total allotment or 500 boxes, whichever is greater: *Provided,* That the Secretary, on the basis of a recommendation of the committee or other available information, may set such amount at any figure not less than 500 boxes and not more than 1,000 boxes. Handlers may overship (a) during such week the entire 500 boxes or other amount not in excess of 1,000 boxes as may be set by the Secretary, or (b) during two or more consecutive weekly periods when regulations are in effect, any portion of such 500 boxes or any other amount set by the Secretary until the accumulated overshipments reach the applicable maximum number of boxes permitted to be overshipped. The quantity of grapefruit so overshipped when regulations are in effect shall be deducted from such person's allotment for the week following the one in which the total permitted overshipment is reached or for the week in which such person makes no shipments of grapefruit. If such person's allotment for such week is an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided,* That any time there is no volume regulation in effect it shall be deemed to

cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

5. Section 912.52 *Allotment loans* is revised to read as follows:

§ 912.52 Allotment loans or transfers.

(a) A person to whom allotments have been issued may lend or transfer all or part of such allotment to another such person.

(1) In connection with a loan of allotment, each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and the date of repayment, and obtain the committee's approval of the agreement.

(2) In connection with the transfer of allotment, each party shall promptly notify the committee so that proper adjustments of records can be made.

(b) The committee may act on behalf of persons desiring to arrange allotment loans or participate in the transfer of allotment. In each case the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to notifying the committee and obtaining committee approval.

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

Issued at Washington, D.C., this 4th day of August 1969 to become effective 30 days after publication in the FEDERAL REGISTER.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-9341; Filed, Aug. 7, 1969; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION SYSTEM

PART 534—PAY UNDER OTHER SYSTEMS

Student Laboratory Assistants, Department of the Navy

Section 511.201(b) is amended to show exclusion from Part 511 and from classification under the General Schedule of Student Laboratory Assistants, Department of the Navy. Section 534.202(b) is amended to add maximum stipends prescribed for these Student Laboratory Assistants.

1. Effective August 8, 1969, the following item is added to paragraph (b) of § 511.201:

§ 511.201 Coverage of and exclusions from the classification system.

* * * * *

(b) *Exclusions.* * * *

Student Laboratory Assistants, approved training after 2 years of high school level training. Department of the Navy.

* * * * *

(5 U.S.C. 5102)

2. Effective August 8, 1969, the following item is added to paragraph (b) of § 534.202:

§ 534.202 Maximum stipends.

* * * * *

(b) * * *

Student laboratory asistants, Department of the Navy: Approved training after two years of high school level training	L-A

(5 U.S.C. 5102, 5351, 5352, 5541)

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

[F.R. Doc. 69-9439; Filed, Aug. 7, 1969; 9:41 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-PC-2]

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

Designation of Control Zone and Alteration of Transition Area

On June 17, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9457) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations which would designate a part-time control zone at Kamuela, Hawaii, and alter the Kamuela, Hawaii, transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

1. In § 71.171 (34 F.R. 4557) the following control zone is added:

KAMUELA, HAWAII

Within a 5-mile radius of the Kamuela Airport (lat. 20°00'17" N., long. 155°40'16" W.), and within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius zone to 9 miles northeast of the Kamuela VOR. This control zone is effective during times established in advance by a Notice to Airmen. The effective times will thereafter be continuously published in the Pacific Chart Supplement.

2. In § 71.181 (34 F.R. 4637) the Kamuela, Hawaii, transition area is redesignated as:

KAMUELA, HAWAII

The airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kamuela Airport (lat. 20°00'17" N., long. 155°40'16" W.); within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius area to 11.5 miles northeast of the Kamuela VOR; and that airspace extending upward from 1,200 feet above the surface bound on the north by V-16, on the west by V-11 and on the southeast by V-3 and the Kamuela control zone.

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

Issued in Honolulu, Hawaii, on July 30, 1969.

PHILLIP M. SWATEK,
Director, Pacific Region.

[F.R. Doc. 69-9355; Filed, Aug. 7, 1969; 8:48 a.m.]

[Docket No. 9742; Amdt. 91-65]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Use of Parachutes in Acrobatic Flight

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to clarify existing regulations which relate to the use of parachutes during acrobatic flight, and relate to the definition of acrobatic flight.

Section 91.71(a) prohibits acrobatic flight in certain airspace, and for purposes of that paragraph defines acrobatic flight as an intentional maneuver involving an abrupt change of the attitude of the aircraft, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.

Paragraph (b) of that section requires that parachutes be worn by each person (other than a crewmember) in the aircraft when any maneuver intentionally performed exceeds 60° of bank, or 30° of nose position relative to the horizon. The definition given in paragraph (b) was intended only to define the circumstances under which parachutes must be worn, and not to modify the definition of acrobatic flight for any other purpose in the Federal Aviation Regulations. Paragraph (c) of § 91.71 sets out certain exceptions to paragraph (b).

To avoid any possible misunderstanding because of the location of paragraph (b) in proximity to the restrictions on acrobatic maneuvers in certain airspace, we consider it appropriate to transfer paragaphs (b) and (c) without any substantive change to § 91.15, which deals only with parachutes and parachuting.

Since this amendment merely clarifies existing regulations regarding the use of parachutes, and imposes no additional burden on any person, I find that notice and public procedure are unnecessary, and that good cause exists for making

this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective August 8, 1969, as follows:

§ 91.71 [Amended]

1. In § 91.71, delete paragraphs (b) and (c).

2. In the flush sentence at the end of § 91.71(a) delete the word "paragraph" and insert the word "section."

3. In § 91.15, add paragraphs (c) and (d) to read as follows:

§ 91.15 Parachutes and parachuting.

* * * * *

(c) Unless each occupant of the aircraft is wearing an approved parachute, no pilot of a civil aircraft, carrying any person (other than a crewmember) may execute any intentional maneuver that exceeds—

(1) A bank of 60° relative to the horizon; or

(2) A nose-up or nose-down attitude of 30° relative to the horizon.

(d) Paragraph (c) of this section does not apply to—

(1) Flight tests for pilot certification or rating; or

(2) Spins and other flight maneuvers required by the regulations for any certificate or rating when given by—

(i) A certificated flight instructor; or

(ii) An airline transport pilot instructing in accordance with § 61.163 of this chapter.

(Secs. 313(a), 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1427); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 31, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-9356; Filed, Aug. 7, 1969; 8:48 a.m.]

[Docket No. 9575; Amdt. 151-34]

PART 151—FEDERAL AID TO AIRPORTS

Miscellaneous Amendments

The purpose of this amendment to Part 151 of the Federal Aviation Regulations is to provide for the appraisal of project costs in certain cases after a Federal Aid to Airports grant agreement is executed, and a downward adjustment of the U.S. share thereof when appropriate. Additionally, paragraph (a)(3) of § 151.67 is deleted since it is now superfluous.

The amendment was proposed in Notice 69-20 that was published in the FEDERAL REGISTER on May 8, 1969 (34 F.R. 7455). The comments received in response to the notice either supported or expressed no objection to the amendment proposed.

As proposed in the notice this amendment provides a specific appraisal procedure (similar to that in § 151.27) for use after a grant agreement is entered into but before final payment is made, when any part of the estimated project costs consists of the value of donated land, labor, materials, or equipment, or of the value of a property interest in land acquired at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain proceedings, and the sponsor, through inadvertence or lack of knowledge at the time of filing did not state these facts in the project application.

Under this amendment the sponsor has the right to request reconsideration, as it has under the § 151.27 procedure, thus safeguarding its interest. No increase in the U.S. share would be made in these circumstances since any adjustment in the U.S. share of project costs upward would require an amendment to the grant agreement.

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

Additionally, amendment 151-32 to Part 151, published in the FEDERAL REGISTER on June 19, 1969 (34 F.R. 9616), removed all references to Form FAA 1624.1 from §§ 151.21 and 151.67(a)(3), and substituted FAA Form 1624 in place thereof. Form FAA 1624.1, an airport project application for additional projects, has been discontinued, and project application FAA Form 1624 is now used for the original and all subsequent or additional projects at an airport. Section 151.67(a)(3) has prescribed the use of the discontinued Form FAA 1624.1 and distinguished it from FAA Form 1624. Since Form FAA 1624.1 has been discontinued, § 151.67(a)(3) no longer has relevance or legal significance, and it is therefore deleted. Since this amendment relates to public grants and benefits, notice and public procedure thereon are not required.

In consideration of the foregoing, Part 151 of the Federal Aviation Regulations is amended, effective September 7, 1969, as follows:

§ 151.23 [Amended]

1. By striking out the third sentence of § 151.23.

2. By inserting a new § 151.24 following § 151.23 to read as follows:

§ 151.24 Procedures: Application; information on estimated project costs.

(a) If any part of the estimated project costs consists of the value of donated land, labor, materials, or equipment, or of the value of a property interest in land acquired at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain proceedings, the sponsor must so state in the application, indicating the nature of the donation or other transaction and the value it places on it.

(b) If, after the grant agreement is executed and before the final payment of the allowable project costs is made under § 151.63, it appears that the sponsor inadvertently or unknowingly failed to comply with paragraph (a) of this section as to any item, the Administrator—

(1) Makes or obtains an appraisal of the item, and if the appraised value is less than the value placed on the item in the project application, notifies the sponsor that it may, within a stated time, ask in writing for reconsideration of the appraisal and submit statements of pertinent facts and opinion; and

(2) Adjusts the U.S. share of the project costs to reflect any decrease in value of the item below that stated in the project application.

§ 151.67 [Amended]

3. By striking out paragraph (a)(3) of § 151.67.

(Secs. 1-15, 17-20, Federal Airport Act (49 U.S.C. 1101-1114, 1116-1119); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 1.4(b)(1), regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on July 31, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-9357; Filed, Aug. 7, 1969; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[12th Gen. Rev. of Export Regs., Amdt. 2]

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

PART 377—SHORT SUPPLY CONTROLS

Miscellaneous Amendments

Parts 370 and 377 of the Code of Federal Regulations are amended as set forth below.

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

Effective date: August 7, 1969.

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

1. In § 377.3, paragraph (b)(2) is deleted.

2. Subdivision (i) of § 377.3(b)(4) and paragraph (d)(2) are amended to read as follows:

§ 377.3 Copper and copper products.

* * * * *

(b) *Copper and copper-base alloy waste and certain nickel alloy.* * * *

(4) *Other shipments*—(i) *General.* Commodities described in subparagraph (1) of this paragraph that cannot be licensed under subparagraph (2) of this paragraph will be considered for licensing under the Past Participation in Exports method (see § 377.2). To qualify as a historical exporter, an exporter shall submit a statement setting forth the quantity (in copper content pounds) and

total dollar value, by country of ultimate destination, that he exported:

(a) To all destinations except Canada during calendar year 1964 and during each of the first three quarters of calendar year 1965, as well as the grand total for this period January 1, 1964, through September 30, 1965; and

(b) To Canada during each of the last two quarters of calendar year 1966 and the first two quarters of calendar year 1967, as well as the grand total for this period July 1, 1966, through June 30, 1967.

However the statement shall not include either the types of shipments covered by § 377.2(c)(2), or those not commercially processable in the United States as explained above. An export license application for commodities covered by this paragraph (b) shall be submitted in accordance with subdivision (ii), (iii), or (iv) of this subparagraph.

* * * * *

(d) *Copper-base alloy ingots.* * * *

(2) *Licensing method.* Copper-base alloys ingots will be licensed for export under the Past Participation in Exports method (see § 377.2). To qualify as a historical exporter, an exporter shall submit a statement setting forth the quantity (in copper content pounds) and total dollar value exported by the applicant during the base period January 1, 1963, through June 30, 1965. Each license application shall: (i) Identify the foreign consumer in the manner set forth in paragraph (a)(2)(iii) of this section; and (ii) for an export to the Republic of Vietnam, regardless of value, be supported by a Single Transaction Statement (Form FC–842) endorsed by the designated representative of the U.S. AID Mission, Saigon, as set forth in paragragh (a)(2)(iv) of this section.

* * * * *

3. Supplement No. 1 to Part 377 is amended in the following respects:

Supplement No. 1—Commodities Subject to Short Supply Quota Controls

Export control commodity No.	Commodity description	Export control regulations reference	Submission dates for license applications (no later than date shown below)	
			Nonhistorical applicants	Historical applicants
28401	Copper metalliferous ash and residues [1]	377.3(b)	Aug. 22, 1969	Dec. 1, 1969
28402	Copper or copper-base alloy waste and scrap, including copper alloy waste and scrap of less than 40 percent copper content where copper is the component of chief weight.	377.3(b)	do	Do.
28403	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.	377.3(b)	do	Do.
68212	Refined copper of domestic origin, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars and other crude forms.	377.3(c)	do	Do.
68212	Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: beryllium copper ingots, devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc.	377.3(c)	do	Do.

4. Footnote 1 following Supplement No. 1 to Part 377 is deleted.

5. Supplement No. 1 to Part 370 is amended by adding Peru to the list of western area South America countries classified under Country Group T.

[F.R. Doc. 69–9359; Filed, Aug. 7, 1969; 8:49 a.m.]

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

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Transfers Between Affiliated Foreign Nationals

Notice is hereby given that the Office of Foreign Direct Investments hereby amends § 1000.505 of the Foreign Direct Investment Regulations. The purpose of the amendment is to make clear that a time charter of a vessel by any affiliated foreign national to another affiliated foreign national will not constitute a transfer of capital from the disponent affiliated foreign national to the direct investor and from the direct investor to the charterer affiliated foreign national. Sections 1000.505(a)(3) and 1000.312(a)(8) will apply, however, to voyage charters and bareboat charters of ships.

The amendment to § 1000.505 is published in final form without prior publication in proposed form, because the sole effect of the amendment is to create an exemption from application of § 1000.505.

The text of the amendment is as follows:

1. Subparagraph (3) of paragraph (a) of § 1000.505 is revised to read as follows:

§ 1000.505 Transfers between affiliated foreign nationals.

(a) * * *

(3) For purposes of §§ 1000.312 (a) and (b) and 1000.313(a), if funds or other property are transferred (or deemed under subparagraph (1) of this paragraph to have been transferred) by an incorporated affiliated foreign national of a direct investor to another incorporated affiliated foreign national of such direct investor, the transfer shall be treated as a transfer of capital by the transferor affiliated foreign national to the direct investor (in an amount equal to the full amount or value of the funds or property so transferred) and as a further transfer of capital in an equivalent amount by the direct investor to the transferee affiliated foreign national: *Provided*, That the affiliated foreign national actually transferring the funds or other property or the affiliated foreign national actually receiving such funds or other property is an affiliate of the direct investor as defined in § 1000.903(a) and that the transfer, if actually made by the direct investor, would have constituted a transfer of capital under § 1000.312(a): *And provided further*, That a time charter of a vessel by an incorporated affiliated foreign national of such direct investor shall not be subject to this subparagraph.

* * * * *

2. The amendment hereby adopted shall be effective as of the date of publication in the FEDERAL REGISTER and shall apply to all relevant direct investment transactions occurring during the year 1969 and succeeding years.

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

AUGUST 4, 1969.

[F.R. Doc. 69–9342; Filed, Aug. 7, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Veterinary Prescription Drugs; Directions for Use

In the FEDERAL REGISTER of May 14, 1969 (34 F.R. 7655), the Commissioner of Food and Drugs proposed that § 1.106(c)(2)(i) of the general regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act be amended to provide for a revision of the prescription legend applying to drugs for veterinary use to further insure their safe and effective use under the supervision of a licensed veterinarian.

Twelve responses were received to the proposal—six in support, four in opposition, and two neutral.

Those opposed expressed concern over the lack of availability of a veterinarian under certain circumstances. The proposed change will in no way affect the availability of prescription drugs and is not related to the availability of a licensed veterinarian. Drugs approved for sale solely under the prescription legend are those for which adequate directions for lay use cannot be written or which possess a potential for misuse or harmful effect. It was and is the policy of the Food and Drug Administration that veterinary prescription drugs should be used, prescribed, or sold by a veterinarian only

when he has a firsthand knowledge of the disease conditions for which the drugs are to be used. Therefore, the Commissioner concludes that the amendment should be adopted as proposed.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(f), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(f), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 1.106(c)(2)(i) is amended to read as follows:

§ 1.106 **Drugs and devices; directions for use.**

* * * * *

(c) * * *

(2) * * *

(i) The statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian;" and

* * * * *

Effective date. This order shall become effective 180 days after its publication in the FEDERAL REGISTER to provide adequate time for label changes.

(Secs. 502(f), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(f), 371(a))

Dated: July 31, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9338; Filed, Aug. 7, 1969; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

TRISODIUM NITRILOTRIACETATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6A1850) filed by Hampshire Chemical Division of W. R. Grace & Co., Poisson Avenue, Nashua, N.H. 03060, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of trisodium nitrilotriacetate as a boiler water additive in the preparation of steam that will contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1088(d) is amended by alphabetically inserting in the list a new item, as follows:

§ 121.1088 **Boiler water additives.**

* * * * *

(d) Substances used alone or in combination with substances in paragraph (c) of this section:

	Limitations
* * *	* * *
Trisodium nitrilotriacetate.	Not to exceed 5 parts per million in boiler water; not to be used where steam will be in contact with milk and milk products.

* * * * *

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

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

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

Dated: August 1, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9345; Filed, Aug. 7, 1969; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ALIPHATIC ACID MIXTURE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2329) filed by Wyandotte Chemicals Corp., 1609 Biddle Avenue, Wyandotte, Mich. 48192, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an aliphatic acid mixture consisting of valeric, caproic, enanthic, capyrylic, and pelargonic acids to assist in the lye peeling of fruits and vegetables. Therefore, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1091 is amended by revising the section heading and the introductory text and by alphabetically inserting in the list of substances in paragraph (a)(2) a new item, as follows:

§ 121.1091 **Chemicals used in washing or to assist in the lye peeling of fruits and vegetables.**

Chemicals may be safely used to wash or to assist in the lye peeling of fruits and vegetables in accordance with the following conditions:

(a) * * *

(2) * * *

Substances	*Limitations*
Aliphatic acid mixture consisting of valeric, caproic, enanthic, caprylic, and pelargonic acids.	May be used at a level not to exceed 1 percent in lye peeling solution to assist in the lye peeling of fruits and vegetables.
* * *	* * *

* * * * *

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

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

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

Dated: August 1, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9343; Filed, Aug. 7, 1969; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2391) filed by Monsanto Co., Hydrocarbons and Polymers Division, 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, and other relevant material, concludes that § 121.2566 should be amended as set forth below to provide for additional safe use of the hydrogenated 4,4'-isopropylidenediphenol-phosphite ester resins (identified in that section) as antioxidants and/or stabilizers in rigid polyvinyl chloride bottles intended for contact with foods of types VIII and IX as described in table 1 of § 121.2526(c). The Commissioner further concludes that the present limitation for the subject item with respect to extracted organophosphates should be revised as set forth below to remove ambiguous references to method sensitivity and to specify a limit for such extracted organophosphates of no more than 0.0001 milligram per square inch of food-contact surface.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by revising the limitations for the subject item to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

	Limitations
* * *	* * *
Hydrogenated 4,4'-isopropylidenediphenol-phosphite ester resins produced by the condensation of 1 mole of triphenyl phosphite and 1.5 moles of hydrogenated 4,4'-isopropylidenediphenol such that the finished resins have a molecular weight in the range of 2,400–3,000, a phosphorous content of 6.5–6.9 percent, and contain no more than 2.2 percent by weight of residual free phenol.	For use only at levels not to exceed 0.55 percent by weight of polyvinyl chloride resins used in the manufacture of rigid polyvinyl chloride bottles intended for contact with edible oils (including edible oil in simple mixture or emulsion form), all types of dressings for salads, and food of types VIII and IX described in table 1 of § 121.2526(c). The finished food-contact article containing this stabilizer, when extracted with distilled water at 135° F. for 1 week (168 hours), using a volume-to-surface ratio of 5 milliliters per square inch of surface tested, shall yield extracted phenol not to exceed 0.008 milligram per square inch of food-contact surface and shall yield extracted organophosphates (total phosphates minus inorganic phosphates) not to exceed 0.0001 milligram per square inch of food-contact surface.
* * *	* * *

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

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

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

Dated: July 31, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9344; Filed, Aug. 7, 1969; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

In § 201.1 paragraph (k) is amended to read as follows:

§ 201.1 Definitions.

* * * * *

(k) "Class 1(b) loan" means a loan is made for the purpose of financing the alteration, repair, improvement, or conversion of an existing structure used or to be used as an apartment house or a dwelling for two or more families which structure is not owned by a corporation.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.33 paragraphs (b) and (c) are amended to read as follows:

§ 207.33 Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.

* * * * *

(b) A mortgage on a trailer court or park may involve a principal obligation in an amount to be determined as follows:

(1) An amount not exceeding the lesser of $500,000, $1,800 per space (as defined by the Commissioner), or 90 percent of the estimated value of the property after the improvements are completed.

(2) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 45 percent the $500,000 and $1,800 limitations set forth in subparagraph (1) of this paragraph.

(c) A mortgage on a trailer court or park is not subject to the provisions of § 207.4, except that the provisions of § 207.4(e) (relating to a reduction in mortgage amount where the mortgage is on a leasehold estate) and the provisions of § 207.4(f) (relating to loans to cover 2-year operating losses) shall be applicable.

Subpart B—Contract Rights and Obligations

In § 207.258 paragraphs (b)(1) and (c)(5) are amended to read as follows:

§ 207.258 Insurance claim requirements.

* * * * *

(b) *Assignment of mortgage to Commissioner.* * * *

(1) *Notice of assignment.* On the date the assignment of the mortgage is filed for record, the mortgagee shall notify the Commissioner on a form prescribed by him of such assignment, and shall also notify the FHA Assistant Commissioner-Comptroller by telegram of such recordation.

* * * * *

(c) *Conveyance of title to Commissioner.* * * *

(5) *Transfer by mortgagee.* After acquiring title to and possession of the property, the mortgagee shall (within 30 days of such acquisition) transfer title and possession of the property to the Commissioner. The transfer shall be made in such manner as the Commissioner may require. On the date the deed is filed for record, the mortgagee shall notify the Commissioner on a form prescribed by him of the filing of such conveyance, and shall also notify the FHA Assistant Commissioner-Comptroller by telegram of such recordation.

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

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

In Part 221, Subpart B, in the Table of Contents § 221.330 is deleted and a new § 221.280 is added as follows:

Sec.
221.280 Waived title objections.

Subpart B—Contract Rights and Obligations—Low Cost Homes

Section 221.251(a) is amended by adding § 203.389 to the listed exceptions as follows:

§ 221.251 Incorporation by reference.

(a) * * *

Sec.
203.389 Waived title objections.

In Part 221, Subpart B a new § 221.280 is added to read as follows:

§ 221.280 Waived title objections.

(a) *General provisions.* All of the provisions of § 203.389 of this chapter (relating to the waiver by the Commissioner of objections to title) shall apply

to mortgages insured under this subpart, with the exception of mortgages involving condominium units.

(b) *Provisions applicable to condominium units.* Where the mortgage involves a condominium unit, the Commissioner shall not object to title by reason of the following matters:

(1) Violations of a restriction based on race, color, or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage.

(2) Easements for public utilities along one or more of the property lines, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property.

(3) Encroachments on the subject property by improvements on adjoining property, provided such encroachments do not interfere with the use of any improvements on the subject property.

(4) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property.

(5) Customary buildings or use restrictions for breach of which there is no reversion and which have not been violated to a material extent.

§ 221.330 [Deleted]

In Part 221, Subpart B, § 221.330 is deleted.

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.514 paragraph (a)(4) is amended to read as follows:

§ 221.514 Maximum mortgage amounts.

(a) *Principal obligation.* * * *

(4) *Purchase from local public agency.* If the mortgage involves the financing of the purchase of property which has been rehabilitated by a local public agency with federal assistance pursuant to section 110(c)(8) of the Housing Act of 1949, the mortgage shall not exceed the following amounts:

(i) Where the purchaser is a mortgagor other than a general or limited distribution mortgagor, the appraised value of the property, as of the date the mortgage is accepted for insurance, or the actual cost of acquisition, which ever amount is the lesser.

(ii) Where the purchaser is a general or limited distribution mortgagor, 90 percent of the appraised value of the property, as of the date the mortgage is accepted for insurance, or 90 percent of the actual cost of acquisition as approved by the Commissioner, whichever amount is the lesser.

* * * * *

Section 221.547 is amended by adding a new paragraph (c) to read as follows:

§ 221.547 Certification of cost requirements.

* * * * *

(c) The provisions of paragraph (a) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

Section 221.549 is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 221.549 Certificate as to subcontracts.

* * * * *

(b) The provisions of paragraph (a) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

Section 221.550 as amended by adding a new paragraph (d) to read as follows:

§ 221.550 Certificate of actual cost—contents in general.

* * * * *

(d) *Nonapplicability to rehabilitation sales mortgagors.* The provisions of paragraphs (a) through (c) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

Section 221.551 is amended by adding a new paragraph (c) to read as follows:

§ 221.551 Contractor's certification.

* * * * *

(c) The provisions of paragraphs (a) and (b) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

Section 221.552 is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 221.552 Records.

* * * * *

(b) The provisions of paragraph (a) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

In § 221.553 paragraph (b) is amended to read as follows:

§ 221.553 Certificate of public accountant.

* * * * *

(b) The provisions of paragraph (a) of this section shall not be applicable to a project involving 40 or less living units or to a project involving a rehabilitation sales mortgagor.

Section 221.554 is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 221.554 Value of land.

* * * * *

(b) The provisions of paragraph (a) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

Section 221.555 is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 221.555 Reduction in mortgage amount—new construction.

* * * * *

(b) The provisions of paragraph (a) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

Section 221.556 is amended by adding a new paragraph (d) to read as follows:

§ 221.556 Reduction in mortgage amount—rehabilitation.

* * * * *

(d) *Nonapplicability to rehabilitation sales mortgagors.* The provisions of paragraphs (a) through (c) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor.

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

SUBCHAPTER H—MORTGAGE INSURANCE FOR SERVICEMEN

PART 222—SERVICEMEN'S MORTGAGE INSURANCE

In Part 222, Subpart B in the Table of Contents a new § 222.260 is added and new §§ 222.265, 222.270, 222.275, 222.280, 222.285, and 222.290, together with a new center heading preceding such sections are added as follows:

Sec.
222.260 Waived title objections.

SPECIAL PROVISIONS APPLICABLE ONLY TO MORTGAGES INVOLVING CONDOMINIUM UNITS

222.265 Changes in the plan of apartment ownership.
222.270 Condition of the multifamily structure.
222.275 Assessment of taxes.
222.280 Certificate of tax assessment.
222.285 Certificate or statement of condition.
222.290 Cancellation of hazard insurance.

Subpart A—Eligibility Requirements

Section 222.50 is amended to read as follows:

§ 222.50 Transfer of insurance.

The insurance of a mortgage pursuant to §§ 203.1 et seq. (Part 203, Subpart A); §§ 213.501 et seq. (Part 213, Subpart C); §§ 220.1 et seq. (Part 220, Subpart A); §§ 221.1 et seq. (Part 221, Subpart A); §§ 234.1 et seq. (Part 234, Subpart A); §§ 235.1 et seq. (Part 235, Subpart A); §§ 237.1 et seq. (Part 237, Subpart A); §§ 809.1 et seq. (Part 809, Subpart A); or §§ 810.1 et seq. (Part 810, Subpart C), all of this chapter, covering a single-family dwelling or a family unit in a condominium project may, with the approval of the Commissioner and upon the request by the mortgagee, be transferred for insurance under this subpart,

if the mortgage indebtedness has been assumed by a serviceman who holds a certificate of eligibility issued by the Secretary and who becomes the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the Coast Guard, other assignment.

Subpart B—Contract Rights and Obligations

Section 222.251(a) is amended by adding § 203.389 to the listed exceptions as follows:

§ 222.251 Incorporation by reference.

(a) * * *

Sec.
203.389 Waived title objections.

In Part 222, Subpart B a new § 222.260 is added to read as follows:

§ 222.260 Waived title objections.

(a) *General provisions.* All of the provisions of § 203.389 of this chapter (relating to the waiver by the Commissioner of objections to title) shall apply to mortgages insured under this subpart, with the exception of mortgages involving condominium units.

(b) *Provisions applicable to condominium units.* Where the mortgage involves a condominium unit, the Commissioner shall not object to title by reason of the following matters:

(1) Violations of a restriction based on race, color or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage.

(2) Easements for public utilities along one or more of the property lines, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property.

(3) Encroachments on the subject property by improvements on adjoining property, provided such encroachments do not interfere with the use of any improvements on the subject property.

(4) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property.

(5) Customary buildings or use restrictions for breach of which there is no reversion and which have not been violated to a material extent.

In Part 222, Subpart B, new §§ 222.265 through 222.290 preceded by a new center heading are added to read as follows:

SPECIAL PROVISIONS APPLICABLE ONLY TO MORTGAGES INVOLVING CONDOMINIUM UNITS

§ 222.265 Changes in the plan of apartment ownership.

The mortgagee shall notify the Commissioner of any changes in the plan of apartment ownership and in the administration of the property. Such notification shall be given either at the time of the conveyance of the property or at the time of the assignment of the mortgage. Any changes in such plan shall require approval by the Commissioner.

§ 222.270 Condition of the multifamily structure.

(a) When a family unit is conveyed or a mortgage is assigned to the Commissioner, the family unit and the common areas and facilities (including restricted common areas and facilities) designated for the particular unit shall be undamaged by fire, earthquake, tornado, or boiler explosion, except if the property has been damaged, either of the following actions shall be taken:

(1) The property may be repaired prior to its conveyance or prior to the assignment of the mortgage to the Commissioner.

(2) With the prior approval of the Commissioner, the property may be conveyed or the mortgage assigned to the Commissioner without repairing the damage. In such instances, the Commissioner shall deduct from the insurance benefits either his estimate of the decrease in value of the family unit or the amount of any insurance recovery received by the mortgagee, whichever is is the greater.

(b) If the property has been damaged by fire and such property was not covered by fire insurance at the time of the damage, the mortgagee may convey the property or assign the mortgage to the Commissioner without deduction from the insurance benefits for any loss occasioned by such fire if the following conditions are met:

(1) The property shall have been covered by fire insurance at the time the mortgage was insured.

(2) The fire insurance shall have been later canceled or renewal shall have been refused by the insuring company.

(3) The mortgagee shall have notified the Commissioner within 30 days (or within such further time as the Commissioner may approve) of the cancellation of the fire insurance or of the refusal of the insuring company to renew the fire insurance. This notification shall have been accompanied by a certification of the mortgagee that diligent efforts were made, but it was unable to obtain fire insurance coverage at reasonably competitive rates and that it will continue its efforts to obtain adequate fire insurance coverage at competitive rates.

§ 222.275 Assessment of taxes.

When a family unit is conveyed to the Commissioner or a mortgage is assigned to the Commissioner, the unit shall be assessed and subject to assessment for taxes pertaining only to that unit.

§ 222.280 Certificate of tax assessment.

The mortgagee shall certify, as of the date of filing for record of the deed or assignment of the mortgage to the Commissioner, that the family unit is assessed and subject to assessment for taxes pertaining to that unit.

§ 222.285 Certificate or statement of condition.

(a) At the time of the assignment of the mortgage or conveyance of the property to the Commissioner, the mortgagee shall, as of the date of the filing for record of the deed or assignments, either:

(1) Certify that the conditions of § 222.270(a) have been met; or

(2) Submit a statement describing any such damage that may still exist.

(b) In the absence of evidence to the contrary, the mortgagee's certificate or its statement as to damage shall be accepted by the Commissioner as establishing the condition of the family unit and the common areas and facilities including restricted common areas and facilities designated for the particular unit.

§ 222.290 Cancellation of hazard insurance.

The provisions of § 203.382 of this chapter are incorporated by reference and shall apply to hazard insurance policies carried solely for the family unit.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 222, 68 Stat. 603; 12 U.S.C. 1715m)

SUBCHAPTER M—HOMES FOR LOWER INCOME FAMILIES

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart A—Eligibility Requirements—Homes for Lower Income Families

In § 235.22 paragraph (b) is amended to read as follows:

§ 235.22 Mortgage provisions.

* * * * *

(b) *Mortgage multiples.* The mortgage shall involve a principal obligation in an amount of $100 or multiples thereof. A mortgage having a principal obligation not in excess of $15,000 and an amortization period of either 20, 25, 30, or 35 years may be in an amount of $50 or multiples thereof.

In Part 235, Subpart B in the Table of Contents § 235.255 is deleted and a new § 235.221 is added as follows:

Sec.
235.221 Waived title objections.

Subpart B—Contract Rights and Obligations—Homes for Lower Income Families

In Part 235, Subpart B a new § 235.221 is added to read as follows:

§ 235.221 Waived title objections.

(a) *General provisions.* All of the provisions of § 203.389 of this chapter (relating to the waiver by the Commissioner of objections to title) shall apply to mortgages insured under this subpart, with the exception of mortgages involving condominium units.

(b) *Provisions applicable to condominiums.* Where the mortgage involves a condominium unit, the Commissioner shall not object to title by reason of the following matters:

(1) Violations of a restriction based on race, color or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage.

(2) Easements for public utilities along one or more of the property lines, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property.

(3) Encroachments on the subject property by improvements on adjoining property, provided such encroachments do not interfere with the use of any improvements on the subject property.

(4) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property.

(5) Customary buildings or use restrictions for breach of which there is no reversion and which have not been violated to a material extent.

§ 235.255 [Deleted]

In Part 235, Subpart B, § 235.255 is deleted.

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

§ 235.501 [Amended]

In § 235.501(a) the references in the listed exceptions to §§ 221.550a, 221.554, and 221.555 are deleted.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 235, 82 Stat. 477; 12 U.S.C. 1715z)

SUBCHAPTER N—PROJECTS FOR LOWER INCOME FAMILIES

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS

Subpart A—Eligibility Requirements for Mortgage Insurance

Section 236.30(a)(1) is amended to read as follows:

§ 236.30 Prepayment privileges.

(a) *Prepayment in full—(1) Without prior Commissioner consent.* A mortgage indebtedness may be prepaid in full and the Commissioner's controls terminated without the prior consent of the Commissioner where the mortgagor is a limited distribution type and either of the following conditions is met:

(i) If the prepayment occurs after the expiration of 20 years from the date of final insurance endorsement of the mortgage, provided the mortgagor is not receiving payments from the Commissioner under a rent supplement contract executed pursuant to the provisions of §§ 5.1 et seq. of this title.

(ii) If the prepayment occurs as a result of the sale of the project to a cooperative or private nonprofit corporation or association, provided the sale is financed with a mortgage insured pursuant to § 236.40(d).

* * * * *

In § 236.40 paragraphs (b) and (c) are redesignated as paragraphs (c) and (d), a new paragraph (b) is added, and the heading to redesignated paragraph (c) is amended to read as follows:

§ 236.40 Eligibility of miscellaneous mortgages.

* * * * *

(b) *Refinancing—in general.* A mortgage given to refinance an existing mortgage insured under the Act may be insured under this subpart pursuant to section 223(a)(7) of the Act. The new mortgage shall be limited in amount and in term as follows:

(1) The principal of the new mortgage shall not exceed the lowest of these amounts:

(i) The original principal amount of the existing insured mortgage.

(ii) The unpaid principal amount of the existing insured mortgage, to which may be added—

(a) The outstanding indebtedness incurred in connection with capital improvements made to the property which are acceptable to the Commissioner.

(b) The costs, as determined by the Commissioner, of improvements, upgrading or additions required to be made to the property.

(c) Loan closing charges.

(iii) The Commissioner's estimate of the value of the property after completion of the repairs, improvements or additions to the property, except for general or limited distribution mortgagors when the amount shall not exceed 90 percent of the Commissioner's estimate of the value of the property after completion of the repairs, improvements or additions to the property.

(2) The term of the new mortgage shall not exceed the unexpired term of the existing mortgage, except that it may have a term of not more than 12 years in excess of the unexpired term of the existing mortgage in any case in which the Commissioner determined that the insurance of the mortgage for an additional term will inure to the benefit of the applicable insurance fund, taking into consideration the outstanding insurance liability under the existing insured mortgage.

(c) *Refinancing—existing project under section 202 of the Housing Act of 1959.* * * *

* * * * *

In Part 236, Subpart B in the Table of Contents a new § 236.270 is added as follows:

Sec.
236.270 Adjusted premium charge.

Subpart B—Contract Rights and Obligations

Section 236.251 is amended by adding § 207.253 to the listed exceptions as follows:

§ 236.251 Incorporation by reference.

* * * * *

Sec.
207.253 Adjusted premium and termination charges.

In Part 236, Subpart B a new § 236.270 is added to read as follows:

§ 236.270 Adjusted premium charge.

All of the provisions of § 207.253 of this chapter shall apply to mortgages insured under this part, except that no adjusted premium charge or termination charge shall be due when the prepayment of the mortgage or the voluntary termination of the mortgage insurance occurs in connection with the sale of all of the housing units in the project and their release from the project mortgage.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 236, 82 Stat 498; 12 U.S.C. 1715z-1)

SUBCHAPTER O—CREDIT ASSISTANCE

PART 237—SPECIAL MORTGAGE INSURANCE FOR LOW AND MODERATE INCOME FAMILIES

In Part 237, Subpart B, in the Table of Contents a new § 237.260 is added as follows:

Sec.
237.260 Method of paying insurance benefits.

Subpart B—Contract Rights and Obligations

In Part 237, Subpart B, a new § 237.260 is added to read as follows:

§ 237.260 Method of paying insurance benefits.

If the application for insurance benefits is acceptable to the Commissioner, the insurance claim shall be paid in cash, unless the mortgagee files a written request with the application for payment in debentures. If such a request is made, the claim shall be paid in debentures issued in multiples of $50, with any balance less than $50 to be paid in cash.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 237, 82 Stat. 485; 12 U.S.C. 1715z-2)

SUBCHAPTER Q—SUPPLEMENTAL PROJECT LOAN INSURANCE

PART 241—SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

Subpart A—Eligibility Requirements

Section 241.35 is amended to read as follows:

§ 241.35 Charges by lender.

(a) The lender may collect from the borrower the amount of the fees provided for by this subpart.

(b) The lender may also collect from the borrower an initial service charge, as reimbursement for the cost of closing the transaction, in an amount not to exceed the following:

(1) Two percent of the original principal amount of the loan in all cases except where the loan proceeds are to be used only for the purchase of equipment for a nursing home or group practice facility.

(2) One-half of 1 percent of the original principal amount of the loan where the loan proceeds are to be used only for the purchase of equipment for a nursing home or group practice facility.

(c) Any charges to be collected by the lender in addition to those prescribed in paragraphs (a) and (b) of this section, shall be subject to the prior approval of the Commissioner.

Section 241.125 is amended to read as follows:

§ 241.125 Use of loan proceeds.

The proceeds of the loan shall be used only to finance improvements or additions to a multifamily project or group practice facility which is subject to a mortgage insured under any section or title of the Act. The proceeds of a loan involving a nursing home covered by a mortgage insured under section 232 of the Act or a group practice facility covered by a mortgage insured under title XI of the Act may also be used to purchase equipment to be used in the operation of such nursing home or facility.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 241, 82 Stat. 508; 12 U.S.C. 1715z–6)

Issued at Washington, D.C., August 4, 1969.

[SEAL] WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69–9361; Filed, Aug. 7, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 24]

CHARGES TO AIRLINES FOR REIMBURSABLE COST OF PRECLEARANCE OPERATIONS

Notice of Proposed Rule Making

At the request and for the benefit of airlines, customs officers have been stationed at certain foreign airports to provide tentative clearance for air passengers bound to the United States on direct flights. Under this preclearance program Customs performs certain of its baggage examination, inspection, and other functions at the place of boarding. However, residual functions remain to be performed after the aircraft reach the United States. The cost to the Bureau of Customs of maintaining installations in foreign countries for the performance of preclearance functions is greater than would be the cost of performing such functions entirely in the United States due, in part, to extra benefits and allowances paid Customs personnel stationed at a foreign installation and the additional cost of supervising personnel. It has been determined that this service is the kind for which reimbursement of the excess cost by the parties-in-interest is required.

Notice is hereby given that under the authority of section 501 of the Independent Offices Appropriation Act of 1952, 63 Stat. 290 (31 U.S.C. 483a), it is proposed to amend Part 24 of the Customs Regulations (19 CFR Part 24) to prescribe a charge to airlines for the excess cost of providing preclearance in a foreign country; the manner in which this cost will be determined; and, the procedures for recovering such cost. The proposed amendment is set forth in tentative form below:

Part 24 is amended by adding a new § 24.18 reading as follows:

§ 24.18 Preclearance of air travelers in a foreign country; reimbursable cost.

(a) Preclearance is the tentative examination and inspection of air travelers and their baggage at foreign places where United States customs personnel are stationed for that purpose.

(b) At the request of an airline, travelers on a direct flight to the United States from a foreign place described in paragraph (a) of this section may be precleared prior to departure from such place. A charge based on the excess cost to Customs of providing preclearance services as defined in paragraph (c) of this section shall be made to the airline.

(c) The reimbursable excess cost is the difference between (1) the cost of examining and inspecting air travelers and their baggage upon arrival in the United States assuming no preclearance was provided, and (2) the cost of providing preclearance for air travelers at the place of departure. Such excess cost shall include all items attributable to the preclearance operation. This does not include the salary of personnel regularly assigned to a preclearance station other than approved salary differentials related to the foreign assignment and the salary of relief details made necessary by reason of the nature of the operation. In addition, such cost shall include the following allowances and expenses.

(i) Housing allowances;

(ii) Post of duty allowances;

(iii) Education allowances;

(iv) Transportation costs incident to the assignment to the foreign station and return, including transportation of family and household effects;

(v) Home leave and associated transportation costs; and

(vi) Equipment, supplies, and administrative costs including costs of supervising the preclearance installation.

(d) The reimbursable excess cost described in pargarpah (c) of this section shall be determined for each preclearance installation. On the basis of the excess cost figures for each installation and the number of officers assigned, the average excess cost of maintaining an officer at such installation (hereinafter referred to as "average per officer cost") shall be determined. A schedule of the average per officer cost for each installation shall be published in the FEDERAL REGISTER. The average per officer cost in effect at an installation at the time the charge is made shall be used in calculating the prorated charge for preclearance service for each airline in accordance with paragraph (e) of this section. Whenever changes in the excess cost figures for any installation result in a change in the average per officer cost a revised schedule shall be published in the FEDERAL REGISTER.

(e) The charge to each airline for preclearance service shall be its prorated share of the applicable excess cost determined in accordance with paragraph (f) of this section. The applicable excess cost shall be the product of the average per officer cost multiplied by the number of officers serving at an installation during the billing period involved.

(f) The applicable excess cost of providing service at a preclearance installation shall be prorated to the aircraft receiving such services during the billing period on the following basis:

(1) Five percent shall be distributed equally among the airlines serviced.

(2) Ten percent shall be distributed proportionately as the number of clearances serviced bears to the total number of clearances.

(3) Eighty-five percent shall be distributed proportionately as the number of passengers and/or crew serviced for each airline bears to the total number of passengers and/or crew serviced.

(g) Customs services for which overtime compensation is provided for by section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267) and the expenses recovered thereunder are governed by § 24.15 and are in no way affected by this section.

Prior to final action on the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 60 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

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

Approved: August 1, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-9423; Filed, Aug. 7, 1969; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Handling

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108—932.161) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment to the said rules and regulations was proposed by the Olive Administrative Committee, established under the said marketing agreement and order as the agency to administer the terms and provisions thereof.

The amendment would provide a definition of "canned ripe olives of the tree ripened type." Currently lots of natural condition olives for use in canned ripe olives of the tree ripened type and packaged olives of such type are exempt from incoming and outgoing regulation under the order if such olives are handled in

accordance with the procedures specified by the order. However, there currently is no U.S. Standard for canned ripe olives of the tree ripened type, and the order does not contain a definition for olives of such type. In view of this, the committee reports that it is possible for handlers to market olives of the regulated canned ripe types which fail to meet the applicable regulatory requirements as canned ripe olives of the tree ripened type, and the provision of a definition as proposed together with a random check of lots of olives which handlers have identified as canned ripe olives of the tree ripened type is needed to provide a means whereby the committee can assure that the exemption is not abused. The amendment would also establish a procedure under which small lots of olives may be combined prior to size grading to facilitate the efficient handling and inspection of such lots at the processing plant. Under this proposed procedure the combined lot would be weighed, size-graded and inspected as one lot. Some plants receive numerous small lots mainly from yard trees in subdivisions. Some consist of only one 40 pound picking box. It is impractical and inefficient to weigh, size-grade and inspect such lots individually.

The proposed amendment is as follows:

1. Add a new section as follows:

§ 932.109 Canned ripe olives of the tree ripened type.

Canned ripe olives of the tree ripened type means packaged olives which are not oxidized in processing and are prepared from olives of advanced maturity and which:

(a) Range in color tan, bronze or brown, and may have a slight greenish cast;

(b) May be widely variegated within the normal range of these colors, and may have a mottled appearance;

(c) May have not more than 30 percent by count of olives that are definitely green and/or off color, provided not more than 15 percent by count may be off color. (Off color includes but is not limited to excessive dull gray cast or excessively dark brown approaching black color.)

2. Add a new paragraph (f) in § 932.151 as follows:

§ 932.151 Incoming regulations.

* * * * *

(f) *Partially exempted lots.* (1) Pursuant to § 932.55, any handler may process any lot of natural condition olives for use in the production of packaged olives which has not first been weighed and size-graded as an individual lot as required by § 932.51(a) (1) and (2), but was combined with any other lot or lots of natural condition olives, only if (i) all the olives in the combined lot are delivered to the handler in the same day, (ii) the total net weight of the olives delivered to the handler by any person in such day does not exceed 500 pounds, (iii) each such person had authorized combination of his lot with other lots, and (iv) the combined lot of the natural condition olives is weighed and size-graded as required by § 932.51(a) (1) and (2) prior to processing the olives.

(2) Whenever the natural condition olives in partially exempt individual lots are combined with other such olives as provided in subparagraph (1) of this paragraph, the provision of the section applicable on individual lots shall apply instead to a combined lot.

(3) Each such handler shall file with the Committee a weekly report showing for each day of the week the respective quantity in combined lots together with each person's authorization for combining lots. The report shall be filed upon a form supplied by the Committee.

3. Add a new paragraph (e) in § 932.152 as follows:

§ 932.152 Outgoing regulations.

* * * * *

(e) *Examination of tree ripened type olives for compliance.* Canned ripe olives of the tree ripened type shall be subject to examination by the committee or its designee on a representative lot inspection basis to assure that such olives comply with the specifications of § 932.109: *Provided,* That no such examination shall be made of such olives which previously have been inspected and certified as meeting such specifications pursuant to paragraphs (b) and (c) of this section. Any such olives which fail to meet such specifications shall be subject to the provisions of §§ 932.51 and 932.52.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 20th day after publication of the notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours. (7 CFR 1.27(b))

Dated: August 4, 1969.

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

[F.R. Doc. 69-9340; Filed, Aug. 7, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1500]

EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE

Approved Experimental School Work-Experience and Career Exploration Programs

The concept of school and work experience programs for 14- and 15-year-old youths has been growing for more than a decade among educators and community organizations. Recent Federal vocational education legislation has emphasized the need to implement career-oriented programs for students in this age group. Research indicates that the inclusion in the educational program of a carefully supervised work experience and of exposure to meaningful jobs allows many youths to find more relevance in their education. But further empirical study is necessary to determine the effect of part-time work experience on the educational development and general well-being of 14- and 15-year-olds. To provide a basis for such further study, it appears desirable to permit a deviation until August 31, 1971, from the restrictions on employment of minors between 14 and 16 years of age for programs of school supervised and administered work-experience approved by the Bureau of Labor Standards.

Therefore, pursuant to the authority in section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1061, as amended; 29 U.S.C. 203) and Reorganization Plan No. 2 of 1946 (3 CFR 1943-48 Comp. p. 1064), I propose to add a new section to Subpart C of Part 1500 of Title 29 of the Code of Federal Regulations to be designated as § 1500.39 and to read as set forth below.

Interested persons may submit written data, views, or arguments regarding this proposal by mailing them to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, within 15 days after this notice is published in the FEDERAL REGISTER.

The proposed new section reads as follows:

§ 1500.39 Work-experience and career exploration programs.

(a) This section has application to 14- and 15-year-old students engaged in an experimental school work-experience and career exploration program which receives the approval of the Director of the Bureau of Labor Standards. The Bureau's criteria for such a program are set forth in paragraph (b) of this section. An application for approval of such a program may be filed by a State Education agency with the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212. The application shall be in writing, shall give a brief description of the program, and shall certify that the agency will comply with the criteria.

(b) The criteria are as follows:

(1) Admission: Any student aged 14 or 15 whom local school personnel identify as being able to benefit from the program shall be eligible to participate.

(2) Credits: Participants shall receive school credits for both in-school related instruction and on-the-job work experience.

(3) Size: Each program unit shall contain a minimum of 12 and a maximum of 20 students per teacher-coordinator.

(4) Time schedule: Except as otherwise authorized by the Director of the Bureau of Labor Standards to accommodate to State law requirements, on each school day there shall be (i) a minimum of two class periods devoted to job-related and to employability skill instruction, and (ii) a minimum of two classroom-instruction periods devoted to regular required subjects or elective subjects which meet State standards for graduation.

(5) Teacher-coordinator: Each program unit shall be under the supervision of a school official known as a teacher-coordinator, who shall supervise the program and more particularly shall perform the following duties:

(i) Select and place students.

(ii) Choose work stations for the participants.

(iii) Coordinate the work and educational aspects of the program.

(iv) Maintain records and prepare reports.

(v) Conduct in-school related class instruction.

(6) Physical facilities: The school will furnish adequate classroom facilities and supplies for the teacher-coordinator.

(7) Written training agreement; administration: No student shall participate in the program until there has been a written training agreement, on a form prescribed by the Bureau of Labor Standards, approved by the teacher-coordinator, the employer, the student, and the student's parent or guardian. All program units, and the records and reports with respect thereto, shall be open to inspection by the Bureau of Labor Standards.

(8) No students shall be assigned to work in an occupation other than those permitted under this Subpart C until their employment in such occupation has been approved by the Director of the Bureau of Labor Standards.

(c) Students engaged in a program approved pursuant to this section may work not more than 28 hours in any week when school is in session and not more than 4 hours in any 1 day when school is in session, any portion of which may be during school hours. In addition to those occupations approved for minors 14 and 15 years of age by this Subpart C, such students may obtain their work experience under the program in any occupation, approved for that purpose by the Director of the Bureau of Labor Standards, except mining and manufacturing and those occupations declared to be hazardous for minors between 16 and 17 years of age in Subpart E of this Part 1500.

(d) This section shall not be effective after August 31, 1971.

(Sec. 3, 52 Stat. 1061, as amended; 29 U.S.C. 203)

Signed at Washington, D.C., this 5th day of August 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-9430; Filed, Aug. 7, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

Order Extending Time for Filing Comments and Reply Comments

1. On April 25, 1969, the Commission released a notice of proposed rule making reopening the "clear channel" proceeding for the purpose of seeking a solution to the long-standing "KOB problem". The date for the filing of comments and reply comments are presently designated as August 8, 1969, and September 8, 1969, respectively.

2. On July 30, 1969, Hubbard Broadcasting, Inc. (Hubbard), through its counsel, requested the Commission to extend the dates for filing comments to August 25, 1969, and for reply comments to September 25, 1969. It states that its engineering consultant has recently been under a doctor's care which has resulted in an inability to complete the comprehensive and complex engineering showing to be presented by Hubbard. It further states that the engineer's office is in the process of being moved to a new location and this has resulted in a further delay in completion of the studies.

3. We are of the view that the requested additional 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 25, 1969, and for the filing of reply comments to and including September 25, 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 31, 1969.

Released: August 4, 1969.

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

[F.R. Doc. 69-9372; Filed, Aug. 7, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

GOODMAN LIVESTOCK AUCTION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
MISSOURI	
Goodman Auction Market, Goodman, May 11, 1959.	Goodman Livestock Auction, June 7, 1969.
Olean Sales Co., Olean, May 22, 1959.	Olean Sales Company, May 16, 1969.
MONTANA	
Bozeman Livestock Auction Company, Bozeman, June 11, 1940.	Bozeman Livestock Market Center, June 1, 1969.
NORTH CAROLINA	
Watauga Livestock Market, Inc., Boone, Feb. 9, 1968.	Watauga Co. Livestock Market, Inc., June 20, 1969.
Statesville Livestock Market, Statesville, Apr. 8, 1959.	Iredell Livestock Company, Apr. 1, 1969.
OKLAHOMA	
Perry Livestock Exchange, Inc., Perry, Nov. 20, 1950.	Perry Livestock, Inc., June 27, 1969.
SOUTH DAKOTA	
Bowdle Livestock Commission Company, Bowdle, Apr. 20, 1967.	Bowdle Livestock Sales Company, June 1, 1969.

Done at Washington, D.C., this 31st day of July 1969.

G. H. HOPPER, *Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.*

[F.R. Doc. 69-9381; Filed, Aug. 7, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DIMETHOATE AND ITS OXYGEN ANALOG

Notice of Establishment of Temporary Tolerances

Notice is given that at the request of the American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, temporary tolerances have been established for total residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorothioate) in or on the raw agricultural commodities sorghum forage at 0.2 part per million and sorghum grain at 0.1 part per million (negligible residue). The Commissioner of Food and Drugs has determined that these temporary tolerances will protect the public health.

A condition under which these temporary tolerances are established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture.

These temporary tolerances expire July 31, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j) 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 31, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-9346; Filed, Aug. 7, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Issuance of Amendment to Provisional Operating License

On April 9, 1969, the Atomic Energy Commission (the Commission) issued Provisional Operating License No. DPR-16 to Jersey Central Power & Light Co. (Jersey Central), authorizing the licensee to possess, use, and operate the Oyster Creek Nuclear Power Plant Unit No. 1, a single cycle, forced circulation, boiling water nuclear reactor (the reactor) on Jersey Central's site in Lacey Township, Ocean County, N.J. A notice of proposed issuance of a provisional operating license was published on December 27, 1968.

The reactor is designed to operate at approximately 1,600 megawatts thermal, but initial operation was limited to 5 megawatts thermal and without the reactor head in place to permit initial fuel loading and testing pending (1) modification of the standby gas treatment system, (2) additional review of the quality of certain piping in the facility, and (3) evaluation of preoperational testing of containment isolation valves. Jersey Central subsequently filed application Amendment No. 53, dated June 12, 1969, containing information concerning these matters.

The Commission has reviewed the information provided in the amendment and has conducted a final inspection of the facility. The Commission has determined that the items in question have been satisfactorily resolved and the facility has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR-15.

The Commission has accordingly issued, effective as of the date of issuance, Amendment No. 1 to Provisional Operating License No. DPR-16 authorizing Jersey Central to operate the reactor at power levels not to exceed 1,600 megawatts thermal. The amendment incorporates as Attachment A thereto Amendment No. 1 to the Technical Specifications adding (1) a reporting requirement concerning the nondestructive testing program, (2) a limit on the leakage from any isolation valve, and (3) specification of filter train flow rate based on modification of the standby gas treatment system.

The Commission has found that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR, Chapter I. The Commission has made the findings which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

For further details with respect to this amendment, see (1) application Amendment No. 53 dated June 12, 1969, (2) Amendment No. 1 to License No. DPR-16 with attached Amendment No. 1 to the Technical Specifications, and (3) a related addendum to the safety evaluation prepared by the Division of Reactor

Licensing, copies of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above 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 1st day of August 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-9301; Filed, Aug. 7, 1969; 8:45 a.m.]

CIVIL SERVICE COMMISSION

CERTAIN MEDICAL-RELATED OCCUPATIONS IN VARIOUS LOCATIONS

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined that the minimum rates and rate ranges for certain positions for which special rates are currently established will be adjusted as set forth in the attachment to this letter. The new rate ranges, either special or regular as appropriate, will be effective the first day of the first pay period on or after July 1, 1969.

If there is no special rate range shown for a grade or grades which previously had a special range, the regular rates apply.

The pay of employees on the rolls will be converted to the new special or regular rate ranges in accordance with § 530.307(b) of the Commission's regulations. The applicable part of the section reads as follows:

(b) When an employee was receiving a special rate immediately before the effective date of a statutory pay increase, he shall receive on that effective date the rate of basic pay for: (1) The numerical rank in the new special rate range for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date; or (2) if there is no new special rate range, the numerical rank in the new statutory pay schedule for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date.

To illustrate the effect of § 530.307(b)(1), the rate adjustment for Medical Technologist in Milwaukee is used: An employee in the third step rate of the superseded GS-7 special rate range immediately before the effective date, will remain in the third step rate of the new special rate range on the effective date and his salary will be increased from $8,146 to $8,914.

To illustrate the effect of § 530.307(b)(2), the rate of adjustment for Medical Technologist in Baltimore is used: An employee in the third step rate of the superseded GS-7 special rate range immediately before the effective date, will be placed in the third step rate of the new regular rate range on the effective date, and his salary will be increased from $7,913 to $8,149.

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic coverage: State of California.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678	$9,884
GS-6	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088	10,317	10,546
GS-7	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954	11,209	11,464
GS-8	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551	11,833	12,115
GS-9	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430	12,741
GS-10	10,594	10,936	11,278	11,620	11,962	12,304	12,646	12,988	13,330	13,672

[1] Corresponding statutory rates: GS-5—tenth; GS-6—eighth; GS-7—seventh; GS-8—fifth; GS-9—third; GS-10—second.

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic coverage: Baltimore, Md., SMSA.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,206	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060
GS-6	7,340	7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401

[1] Corresponding statutory rates: GS-5—sixth; GS-6—third.

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic coverage: Milwaukee, Wis.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472
GS-6	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088
GS-7	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699
GS-8	9,013	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551
GS-9	9,631	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430

[1] Corresponding statutory rates: GS-5—eighth; GS-6—sixth; GS-7—fourth; GS-8—third; GS-9—second.

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic coverage: New Orleans, La.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,000	$7,206	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854

[1] Corresponding statutory rate: GS-5—fifth.

GS-660 PHARMACIST

Geographic coverage: State of California.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-9	$11,186	$11,497	$11,808	$12,119	$12,430	$12,741	$13,052	$13,363	$13,674	$13,985
GS-10	11,962	12,304	12,646	12,988	13,330	13,672	14,014	14,356	14,698	15,040
GS-11	12,729	13,103	13,477	13,851	14,225	14,599	14,973	15,347	15,721	16,095
GS-12	13,835	14,281	14,727	15,173	15,619	16,065	16,511	16,957	17,403	17,849

[1] Corresponding statutory rates: GS-9—seventh; GS-10—sixth; GS-11—fifth; GS-12—second.

GS-660 PHARMACIST

Geographic coverage: Indianapolis, Ind., SMSA.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-9	$9,631	$9,942	$10,253	$10,564	$10,875	$11,186	$11,497	$11,808	$12,119	$12,430

[1] Corresponding statutory rate: GS-9—second.

GS-647 MEDICAL RADIOLOGY TECHNICIAN

Geographic coverage: San Francisco, Calif., and Federal installations within a 35-mile radius.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,206	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060
GS-6	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859
GS-7	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699
GS-8	9,013	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551
GS-9	9,631	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430

[1] Corresponding statutory rates: GS-5—sixth; GS-6—fifth; GS-7—fourth; GS-8—third; GS-9—second.

GS-668 PODIATRIST

Geographic coverage: Washington, D.C., SMSA.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-9	$11,186	$11,497	$11,808	$12,119	$12,430	$12,741	$13,052	$13,363	$13,674	$13,985
GS-10	12,304	12,646	12,988	13,330	13,672	14,014	14,356	14,698	15,040	15,382
GS-11	13,477	13,851	14,225	14,599	14,973	15,347	15,721	16,095	16,469	16,843

[1] Corresponding statutory rates: GS-9—seventh; GS-10—seventh; GS-11—seventh.

GS-631 OCCUPATIONAL THERAPISTS

GS-633 PHYSICAL THERAPISTS

Geographic coverage: Washington, D.C., SMSA.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-6	$7,340	$7,569	$7,798	$8,027	$8,256	$8,485	$8,714	$8,943	$9,172	$9,401
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS-6—third; GS-7—second.

[SEAL]

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

[F.R. Doc. 69-9269; Filed, Aug. 7, 1969; 8:45 a.m.]

NURSES

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined that the minimum rates and rate ranges for certain nurses positions for which special rates are currently established will be adjusted as set forth below. The new rate ranges, either special or regular as appropriate, will be effective the first day of the first pay period on or after July 1, 1969.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES
PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Washington, D.C., SMSA including the D.C. Government's Children's Center, Laurel, Md., and the U.S. Marine Corps Base, Quantico, Va.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,810	$6,994	$7,178	$7,362	$7,546	$7,730	$7,914	$8,098	$8,282	$8,466
GS-5	7,412	7,618	7,824	8,030	8,236	8,442	8,648	8,854	9,060	9,266
GS-6	7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS-4—eighth; GS-5—seventh; GS-6—fourth; GS-7—second.

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,344	$7,567	$7,790	$8,013	$8,236	$8,459	$8,682	$8,905	$9,128	$9,351	$9,574	$9,797
PFS-7	7,939	8,180	8,421	8,662	8,903	9,144	9,385	9,626	9,867	10,108	10,349	10,590
PFS-8	8,582	8,842	9,102	9,362	9,622	9,882	10,142	10,402	10,662	10,922	11,182	.....

[1] Corresponding statutory rates: PFS-6—fourth; PFS-7—fourth; PFS-8—fourth.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH SERVICE NURSE
PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: State of Nevada; State of California (excluding San Diego County and Division of Indian Health Nurses).
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,810	$6,994	$7,178	$7,362	$7,546	$7,730	$7,914	$8,098	$8,282	$8,466
GS-5	7,206	7,412	7,618	7,824	8,030	8,236	8,442	8,648	8,854	9,060
GS-6	7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—fourth; GS-7—second.

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,344	$7,567	$7,790	$8,013	$8,236	$8,459	$8,682	$8,905	$9,128	$9,351	$9,574	$9,797
PFS-7	7,939	8,180	8,421	8,662	8,903	9,144	9,385	9,626	9,867	10,108	10,349	10,590
PFS-8	8,582	8,842	9,102	9,362	9,622	9,882	10,142	10,402	10,662	10,922	11,182	.....

[1] Corresponding statutory rates: PFS-6—fourth; PFS-7—fourth; PFS-8—fourth.

If there is no special rate range shown for a grade or grades which previously had a special range, or if a location for which special rates were authorized previously is not listed in the attachment, the regular rates apply.

The pay of employees on the rolls will be converted to the new special or regular rate ranges in accordance with the following instructions:

a. *Where the new special or regular minimum rate is higher in dollar amount than the superseded special minimum rate.* Employees affected by this situation will be converted to the new special or regular rate range in accordance with § 530.307(b) of the Commission's regulations. The applicable part of the section reads as follows:

(b) When an employee was receiving a special rate immediately before the effective date of a statutory pay increase, he shall receive on that effective date the rate of basic pay for:

(1) The numerical rank in the new special rate range for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date; or

(2) If there is no new special rate range, the numerical rank in the new statutory pay schedule for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date.

To illustrate the effect of § 530.307(b)(1), one of the Washington, D.C., rate adjustments is used: A nurse in the third step rate of the superseded GS–5 special rate range immediately before the effective date, will remain in the third step rate of the new special rate range on the the effective date, and her salary will be increased from $7,456 to $7,824.

To illustrate the effect of § 530.307(b)(2), another of the Washington, D.C., rate adjustments is used: A nurse in the fifth step rate of the superseded GS–9 special rate range immediately before the effective date, will be placed in the fifth step rate of the regular GS–9 range on the effective date, and her salary will be increased from $10,436 to $10,564.

b. *Where the new special or regular minimum rate is lower in dollar amount than the superseded special minimum rate.* Employees in this situation will be converted to the new special or regular rate range under the provisions of section 303 of Executive Order 11073, and in line with the rules contained in § 530.306 of the Commission's regulations. These provisions assure that no employee shall have his pay reduced because of the downward adjustment or discontinuation of special salary rates.

To illustrate the effect of these provisions, two more of the Washington, D.C., rate adjustments are used:

(NOTE: The new special minimum (first step) for grade GS–7 of $7,894 is lower than the superseded GS–7 special minimum of $8,146.)

A nurse in the first step rate of the superseded GS–7 special rate range immediately before the effective date, will have her salary adjusted on the effective date from $8,146 to $8,149, the second step rate of the new special rate range.

A nurse in the tenth step rate of the GS–7 special rate range at $10,243 immediately before the effective date, will be placed in a "saved pay" status on the effective date. This is because the new maximum rate, the tenth step rate for GS–7 $10,189 is less than the superseded maximum rate for this grade, and no employee's salary may be reduced because of special rate adjustments.

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

[F.R. Doc. 69–9270; Filed, Aug. 7, 1969; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. 31]

GIBRALTAR FINANCIAL CORPORATION OF CALIFORNIA

Notice of Receipt of Application for Permission To Acquire Control of Shasta Savings and Loan Association

AUGUST 5, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Gibraltar Financial Corporation of California, Beverly Hills, Calif., for approval of acquisition of control of the Shasta Savings and Loan Association, Redding, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies said acquisition to be effected by the exchange of at least 96.5 percent of the guarantee stock of Shasta Savings and Loan Association for stock of Gibraltar Financial Corporation of California. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69–9375; Filed, Aug. 7, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–4537 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Findings and Order

JULY 31, 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, terminating rate proceedings, making successors co-respondents, substituting respondents, redesignating proceedings, making rate change effective, requiring filing of agreements and undertakings, accepting agreement and undertaking for filing, 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.

Mineral Mining Co., Applicant in Dockets Nos. CI63–775 and CI63–955, and Mineral Mining Co. (Operator) et al., Applicant in Docket No. CI64–456, propose to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Davidor & Davidor, Inc., FPC Gas Rate Schedules Nos. 5 and 6 and Davidor & Davidor, Inc., FPC Gas Rate Schedule No. 7, respectively. Said rate schedules will be redesignated as those of Applicant. The presently effective rates under Davidor's FPC Gas Rate Schedules Nos. 5 and 6 are in effect subject to refund in Docket No. RI67–47 and under Davidor's FPC Gas Rate Schedule No. 7 in Docket No. RI67–48. Therefore, Applicant will be made a co-respondent in each of said proceedings; the proceedings will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking in each of said proceedings to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings.

Herbert H. Champlin et al., Applicants in Docket No. CI66–917, propose to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Joe N. Champlin, Trustee, FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicants. The presently effective rate under the predecessor's rate schedule is in effect subject to refund in Docket No. RI66–428. On November 20, 1967, the predecessor filed with the Commission a notice of change in rate under his FPC

Gas Rate Schedule No. 1. By order issued December 20, 1967, in Docket No. RI68–276 et al., the Commission suspended the proposed change in Docket No. RI68–285 until May 21, 1968, and thereafter, until made effective. The change was designated as Supplement No. 5 to his FPC Gas Rate Schedule No. 1. On May 16, 1969, Applicants 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, Applicants will be substituted as respondents in the proceedings pending in Dockets Nos. RI66–428 and RI68–285; the proceedings will be redesignated accordingly; the agreement and undertaking submitted by Applicants in Docket No. RI68–285 will be accepted for filing; and Applicants will be required to file an agreement and undertaking in Docket No. RI66–428 to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding.

Tenneco Oil Co., Applicant in Docket No. CI69–1018, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI62–1184 to be made pursuant to Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 481. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under Atlantic Richfield's rate schedule is in effect subject to refund in Docket No. RI69–20. Therefore, Applicant will be made a co-respondent in said proceeding; 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 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, a notice of intervention by The Public Utilities Commission of the State of California, a joint petition to intervene by Southern California Gas Co. and Southern Counties Gas Company of California and a petition to intervene by El Paso Natural Gas Co. were filed in Docket No. G–4537, in the matter of the application filed on September 3, 1965, in said docket. The notice of intervention and the petitions to intervene have been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held in July 24, 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–4537, G–6614, G–8949, G–8958, G–10083, G–16146, G–17548, G–17967, G–18332, G–18933, G–20333, CI60–153, CI60–159, CI62–1184, CI63–775, CI63–955, CI64–300, CI64–456, CI64–1481, CI65–229, CI65–256, CI66–917, CI67–79, CI67–286, CI67–751, CI68–650, CI69–197, and CI69–315 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 the rate suspension proceeding pending in Docket No. RI68–13 should be terminated.

(10) The revenues received for sales at the increased rate under Marathon Oil Co. FPC Gas Rate Schedule No. 35 which were collected subject to refund in Docket No. RI66–33 are de minimis; and, therefore, the proceeding pending in Docket No. RI66–33 should be terminated only with respect to FPC Gas Rate Schedule No. 35, and Marathon Oil Co. should be relieved from any refund obligation with respect to such sales.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Mineral Mining Co. should be made a co-respondent in the proceeding pending in Docket No. RI67–47 and that Mineral Mining Co. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI67–48; that said proceedings should be redesignated accordingly; and that Mineral Mining Co. and Mineral Mining Co. (Operator) et al., should be required to file agreements and undertakings.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Herbert H. Champlin et al., should be made co-respondents in the proceedings pending in Dockets Nos. RI66–428 and RI68–285; that the proceedings should be redesignated accordingly; that the proposed change in rate suspended in Docket No. RI68–285 should be made effective subject to refund; that the agreement and undertaking submitted by Herbert H. Champlin et al., in Docket No. RI68–285 should be accepted for filing; and that they should be required to file an agreement and undertaking in Docket No. RI66–428.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Tenneco Oil Co. should be made a co-respondent in the proceeding pending in Docket No. RI69–20; that said proceeding should be redesignated accordingly; and that Tenneco 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 certificates are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. G-4537 shall be 14 cents per Mcf at 14.65 p.s.i.a.

(b) The initial rate for the sale authorized in Docket No. CI69-1070 shall be 14.5 cents per Mcf at 14.65 p.s.i.a., the applicable area rate prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as shown in the concurrently filed rate schedule quality statement.

(c) If the quality of the gas delivered by Applicants in Dockets Nos. G-4537 and CI69-1070 deviates at any time from the quality standards set forth in 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 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 notices of changes in rates.

(d) Within 90 days from the date of initial delivery Applicant in Docket No. G-4537 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(e) Sales authorized in Dockets Nos. CI67-79 and CI69-1049 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61-1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(f) The initial rate for the sale authorized in Docket No. CI69-1107 shall be 17 cents per Mcf at 14.65 p.s.i.a. plus B.t.u. adjustment.

(g) The authorizations granted in Docket Nos. CI67-79, CI69-315, and CI69-1049 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R-338 with respect to the transportation of liquefiable hydrocarbons.

(h) The certificate in Docket No. CI69-930 is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

(i) The certificate in Docket No. CI69-1034 is conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 3,650 ratio of takes to reserves for the first two contract years and to a 1 to 7,300 ratio of takes to reserves thereafter.

(F) Within 30 days from the date of this order Applicant in Docket No. CI69-1041 shall file two copies of an estimated billing statement as required by the regulations under the Natural Gas Act.

(G) The orders issuing certificates in Dockets Nos. G-4537, G-16146, G-17548, G-17967, CI64-1481, CI65-229, CI67-79, CI67-286, CI67-751, CI68-650, CI69-197, and CI69-315 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(H) The orders issuing certificates in Dockets Nos. G-8949, G-8958, G-20333, CI63-775, CI63-955, CI64-456, CI65-256, and CI66-917 are amended by substituting the successors in interest as certificate holders.

(I) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate*
G-6614	CI69-1070
G-10083	CI69-1109
G-18332	CI69-1074
G-18933[1]	CI69-1107
CI60-153	CI69-1078
CI60-159	CI69-1078
CI62-1184	CI69-1018
CI64-300	CI69-1050

[1] Temporary certificate.

(J) 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.

(K) Permission for and approval of the abandonment in Docket No. CI69-1100 shall not be construed to relieve Applicant of any refund obligations incurred in the related rate suspension proceeding pending in Docket No. G-13743.

(L) The certificates heretobefore issued in Dockets Nos. G-12111, G-13005, G-14613, G-15239, G-20384, CI61-334, CI61-821, and CI64-606 are terminated.

(M) The rate suspension proceeding pending in Docket No. RI68-13 is terminated.

(N) The rate suspension proceeding pending in Docket No. RI66-33 is terminated only with respect to Marathon Oil Co. FPC Gas Rate Schedule No. 35 and Marathon is relieved of any refund obligation in said docket.

(O) Mineral Mining Co. is made a co-respondent in the proceeding pending in Docket No. RI67-47; Mineral Mining Co. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI67-48; and said proceedings are redesignated accordingly.

(P) Within 30 days from the date of this order, Mineral Mining Co. and Mineral Mining Co. (Operator) et al., 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 refunds of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in Dockets Nos. RI67-47 and RI67-48. 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. Mineral Mining Co. and Mineral Mining Co. (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(Q) Herbert H. Champlin et al., are substituted in lieu of Joe N. Champlin, Trustee, as respondents in the proceedings pending in Dockets Nos. RI66-428 and RI68-285; said proceedings are redesignated accordingly; and the agreement and undertaking submitted by them in Docket No. RI68-285 is accepted for filing. The rates, charges, and classifications set forth in Supplement No. 5 to their FPC Gas Rate Schedule No. 3 shall be effective subject to refund as of May 16, 1969, and shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI68-285.

(R) Within 30 days from the date of this order, Herbert H. Champlin, et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission and acceptable agreement and undertaking to assure the refund of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and responsible in Docket No. DI66-428. 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. Herbert H. Champlin, et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(S) Tenneco Oil Co. is made a co-respondent in the proceeding pending in Docket No. RI69–20, and the proceeding is redesignated accordingly.

(T) Within 30 days from the date of this order, Tenneco Oil 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. RI69–20. 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. Tenneco Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(U) 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–4537 ..... C 9-8-65	Atlantic Richfield Co. et al.[1]	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	Supplemental agreement 2-4-65.[2]	402	16
G–8949[3] ..... G–8958[4] E 5-9-69	R. P. Isaacs (successor to Clark Curry, agent for Eustace Gas Co. et al.)	Pennzoil United, Inc., Sheridan District, Lincoln County, W. Va.	Clark Curry, agent for Eustace Gas Co. et al., FPC GRS No. 7.	2	.....
			Supplement Nos. 1-2	2	1-2
			Notice of succession	.....	.....
			Assignment 11-23-68[5]	2	3
			Assignment 11-25-68[5]	2	4
			Effective date: 11-25-68	.....	.....
G–16146 ..... D 5-23-69	MAPCO Production Co. (Operator) et al. (partial abandonment).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hugoton Field, Haskell County, Kans.	Release agreement 5-9-69[6][7]	7	12
G–17548 ..... C 3-13-69[8]	Skelly Oil Co.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Supplemental agreement 11-6-68.[9]	144	11
			Supplemental agreement 11-6-68.[10]	136	7
G–17967 ..... C 2-13-69[8][10]	Southwestern Development Co.	Consolidated Gas Supply Corp., Burning Springs District, Wirt County, W. Va.	Letter agreement 4-25-69.[7]	4	2
G–20333 ..... E 5-23-69	Texas Oil & Gas Corp. (successor to Cities Service Oil Co.).	United Gas Pipe Line Co., North La Ward Field, Jackson County, Tex.	Cities Service Oil Co., FPC GRS No. 126.	54	.....
			Supplement Nos. 1-2	54	1-2
			Notice of succession 5-21-69.	.....	.....
			Assignment 11-1-68[11]	54	3
			Effective date: 11-1-68	.....	.....

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.
CI63–775 ..... E 4-14-69	Mineral Mining Co. (successor to Davidor & Davidor, Inc.).	Cities Service Gas Co., Northwest Doby Springs Field, Harper County, Okla.	Davidor & Davidor, Inc., FPC GRS No. 5.	4	.....
			Supplement No. 1	4	1
			Notice of succession (undated).	.....	.....
			Assignment 3-5-69[11]	4	2
			Effective date: 2-1-69	.....	.....
CI63–855 ..... E 4-14-69	do	Cities Service Gas Co., Northwest Vining Field, Grant County, Okla.	Davidor & Davidor, Inc., FPC GRS No. 6.	5	.....
			Supplement No. 1	5	1
			Notice of succession (undated).	.....	.....
			Assignment 3-5-69[11]	5	2
			Effective date: 2-1-69	.....	.....
CI64–456 ..... E 4-14-69	Mineral Mining Co. (Operator) et al. (successor to Davidor & Davidor, Inc. (Operator), et al.).	Cities Service Gas Co., Northeast Selman Pool, Harper County, Okla.	Davidor & Davidor, Inc. (Operator), et al., FPC GRS No. 7.	6	.....
			Supplement No. 1	6	1
			Notice of succession (undated).	.....	.....
			Assignment 3-5-69[11]	6	2
			Effective date: 2-1-69	.....	.....
CI64–1481 ..... D 5-26-69	Atlantic Richfield Co. (partial abandonment).	Cities Service Gas Co., Groendyke Area, Barber County, Kans.	Notice of partial cancellation 5-23-69.[6][7]	539	1
CI65–229 ..... D 5-5-69	Horizon Oil & Gas Co. of Texas (Operator) et al. (Partial Abandonment).	Baca Gas Gathering System, Inc., Frank et al. Fields, Baca County, Colo.	Notice of partial cancellation 5-1-69.[6][7]	2	9
CI65–256 ..... E 3-27-69	Atlantic Richfield Co. (successor to Irwin Miller).	Consolidated Gas Supply Corp., South Bosco Field, Lafayette and Acadia Parishes, La.	Irwin Miller, FPC GRS No. 3.	327	.....
			Notice of succession 3-25-69.	.....	.....
			Assignment 12-1-68	327	1
			Effective date: 12-1-68	.....	.....
CI66–917 ..... E 1-30-69	Herbert H. Champlin et al. (successor to Joe N. Champlin, trustee).	Michigan Wisconsin Pipe Line Co. Woodward Area, Dewey County, Okla.	Joe N. Champlin, Trustee, FPC GRS No. 1.	3	.....
			Supplement Nos. 1-5	3	1-5
			Notice of succession (undated).	.....	.....
			Effective date: 2-5-68	.....	.....
CI67–79 ..... C 3-29-68[8]	Tenneco Oil Co.[12]	Panhandle Eastern Pipe Line Co., South Peek Field, Roger Mills County, Okla.	Amendment 3-6-68	207	3
CI67–286 ..... C 5-23-69[8]	Monsanto Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla.	Amendment 4-28-69[7]	85	6
CI67–286 ..... C 5-26-69[8]	do	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	Supplemental agreement 5-5-69.[7]	85	7
CI67–731 ..... C 5-27-69[8]	Ashland Oil & Refining Co. (Operator) et al.	Northern Natural Gas Co., Southwest Fort Supply Field, Woodward County, Okla.	Agreement 5-26-69[7][13]	182	2
CI68–650 ..... D 5-26-69	Texas Oil & Gas Corp. (Operator) et al.	Cities Service Gas Co., Mocane Laverne Area, Beaver County, Okla.	Amendatory agreement 5-19-69.[7][13]	32	2
CI69–197 ..... C 5-12-69[8]	Ashland Oil & Refining Co.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Supplement 4-11-69	193	3
			Supplement 4-24-69[7]	193	4
CI69–315 ..... C 5-7-69[8]	Midwest Oil Corp.	Arkansas Louisiana Gas Co., acreage in Le Flore County, Okla.	Amendment 4-3-69	51	3
			Compliance 6-4-69[7][13]	51	4
CI69–329 ..... (CI61–821) B 9-26-69	RAF Natural Gas Corp.	Arkansas Louisiana Gas Co., Longwood Field, Caddo Parish, La.	Notice of cancellation 9-24-68.[6][7]	1	2

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI69-643 (CI64-606) B 1-16-69	Claud B. Hamill	Texas Eastern Transmission Corp., West Wesnatche Field, Goliad County, Tex.	Notice of cancellation 6-10-69[5 7]	11	1
CI69-686 A 1-23-69 [5]	Ted G. Becker	Valley Gas Transmission, Inc., Oronez 5200 Field, Duval County, Tex.	Contract 1-14-69	1	
			Amendment 5-21-69 [2 17]	1	1
CI69-930 A 4-1-69 [5]	Anadarko Production Co. (Operator) et al.[39]	Lone Star Gas Co., West Palacine Field, Stephens County, Okla.	Contract 10-17-68 [2]	140	
CI69-974 A 4-22-69	Roy Proffitt (Operator) et al.	The Ohio Fuel Gas Co., Groundhog Field, Lebanon Township, Meigs County, Ohio.	Contract 4-2-69	1	
CI69-984 (G-20384) B 4-11-69	Fred Whitaker (Operator).	South Texas Natural Gas Gathering Co., La-Copita Field, Starr County, Tex.	Notice of cancellation 6-3-69[5 7]	11	1
CI69-1018 (CI62-1184) F 4-28-69	Tenneco Oil Co. (successor to Atlantic Richfield Co.).	Arkansas Louisiana Gas Co., Kinta Field, Le-Flore County, Okla.	Contract 3-15-62 [19]	252	
			Agreement 3-6-63	252	1
			Assignment 9-19-68 [2 20]	252	2
CI69-1034 A 5-7-69 [5]	Crown Petroleum, Inc.	Natural Gas Pipeline Co. of America, West Panhandle Field, Carson County, Tex.	Contract 3-24-69	4	
			Compliance 6-6-69 [2 21]	4	1
CI69-1041 A 5-14-69	Quaker State Oil Refining Corp.	Pennsylvania Gas Co., Sheffield Township, Warren County, Pa.	Contract 4-23-69 [2]	31	
CI69-1049 A 5-16-69 [5]	Cities Service Oil Co.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	Contract 5-8-69	309	
			Compliance 6-5-69 [2 22]	309	1
CI69-1050 (CI64-300) F 5-1-69	Sun Oil Co. (DX Division) (successor to Lawrence Oil, Inc. (Operator) et al.).	Texas Eastern Transmission Corp., Port Barre-Naka Field, St. Landry Parish, La.	Ratified 4-15-69 [23]	299	
			Contract 6-28-63 [24]	299	1
			Letter agreement 6-24-63	299	2
			Amendatory agreement 9-24-64 [24]	299	3
			Letter agreement 9-24-64	299	4
CI69-1070 (G-6624) F 5-20-69	Mobil Oil Corp. (Operator) et al. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.).	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	Contract 1-13-53 [25]	453	
			Supplemental agreement 10-26-59.	453	1
			Supplemental agreement 8-31-62.	453	2
			Compliance 2-17-66 [2 26]	453	3
			Quality Statement 8-25-67 [26]	453	4
			Assignment 5-1-69 [27]	453	5
			Effective date: 5-1-69		
CI69-1074 (G-18332) F 5-19-69	G. L. Gallaspy (successor to Charles C. Peppers).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 1-24-59	1	
			Assignment 2-19-69 [28]	1	1
			Supplement 6-4-69	1	2
			Effective date: 3-1-69		
CI69-1078 (CI60-153) (CI60-159) F 5-21-69 [31]	Wilmar Oil, Inc. (Operator) et al. (successor to Cabot Corp. and Gulf Oil Corp.).	Cities Service Gas Co., Priefert Gas Unit, Seward County, Kans.	Ratified agreement 2-12-69.	1	
			Contract 8-12-59 [32]	1	1
			Amendment 7-7-67	1	2
			Assignment 12-30-68 [33]	1	3
			Assignment 3-6-69 [2 34]	1	4
			Notice of cancellation 5-20-69[5 7]	[31] 440	5
CI69-1090 (CI61-334) B 5-22-69	Atlantic Richfield Co. (Operator) et al.	Florida Gas Transmission Co., Palacios Field, Matagorda County, Tex.			
CI69-1100 (G-12111) B 5-26-69	Edwin L. Cox	Kansas-Nebraska Natural Gas Co., Inc., acreage in Texas County, Okla.	Notice of cancellation 5-20-69[5 7]	12	2
CI69-1107 (G-18033) F 5-26-69	Texas Oil & Gas Corp.[35] (Operator) et al. (successor to Apache Corp.).	Michigan Wisconsin Pipe Line Co., Mocane Field, Beaver County, Okla.	Contract 6-4-59 [37]	55	
			Amendatory agreement 7-1-65.	55	1
			Amendatory agreement 6-13-68.	55	2
			Assignment 9-10-68 [38]	55	3
			Assignment 2-9-68 [39]	55	4
			Assignment 2-9-68 [2 40]	55	5

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI69-1108 A 5-26-69 [5]	James S. Ray et al., d.b.a. Deephole Gas Co.	United Fuel Gas Co., Stonewall District, Wayne County, W. Va.	Contract 3-1-58 [2 41]	19	
CI69-1109 (G-10083) F 5-26-69	Herman George Kaiser (successor to Texaco, Inc.).	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	Contract 2-9-56 [42]	11	
			Agreement 8-22-58	11	1
			Letter agreement 3-14-67	11	2
			Assignment 2-9-69 [43]	11	3
CI69-1112 (G-14613) B 5-26-69	Marathon Oil Co.	Natural Gas Pipeline Co. of America, Camrick Southeast Gas Pool, Beaver County, Okla.	Notice of cancellation 5-23-69[5 7]	[44] 35	6
CI69-1114 A 5-27-69 [5]	Paul F. Barnhart et al.	Natural Gas Pipeline Co. of America, Frost Field, Cass County, Tex.	Contract 4-1-69 [2]	17	
CI69-1126 A 6-2-69 [5]	Brad's Petroleum Co.	El Paso Natural Gas Co., acreage in Beaver County, Okla.	Contract 5-19-69 [2 45]	1	
CI69-1129 (G-13066) B 6-2-69	Jake L. Hamon (Operator) et al.	Texas Eastern Transmission Corp., North Riverside Field, San Patricio County, Tex.	Notice of cancellation 5-29-69[5 7]	13	5
CI69-1131 (G-15239) B 6-3-69	General American Oil Co. of Texas.	Texas Eastern Transmission Corp., North Mission Valley Field, De Witt County, Tex.	Notice of cancellation 5-22-69[5 7]	26	5

[1] By letter filed Mar. 18, 1969, Applicant agreed to accept permanent authorization for the additional acreage at an initial rate of 14 cents, the applicable area rate for the old gas-well gas presently being sold under the subject rate schedule in lieu of the present contract rate of 16.5 cents plus tax reimbursement.
[2] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[3] Eustace Gas Co. Lease.
[4] Wiley Gas Co. Lease.
[5] Instrument whereby E. P. Isaacs acquired ownership of the properties.
[6] Source of gas depleted.
[7] Effective date: Date of this order.
[8] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[9] Commits Fruitland Formation acreage to contract comprising FPC GRS No. 144 but adopts pricing provisions of contract comprising FPC GRS No. 136 (Docket No. G-16546). Settlement for liquids will be under contract comprising FPC GRS No. 144.
[10] Applicant erroneously filed its application in Docket No. G-18487, but by amendment filed June 16, 1969, Applicant filed to change Docket No. G-18487 to read Docket No. G-17967 and change its FPC GRS No. 5 to read FPC GRS No. 4.
[11] Assigns acreage from Cities Service Oil Co. to Texas Oil & Gas Corp.
[12] Assigns interest of Davidor & Davidor, Inc., to Mineral Mining Co.
[13] By letter dated June 9, 1969 (filed June 11, 1969), Applicant expressed willingness to accept permanent authorization for the additional acreage at a total initial rate of 15 cents per Mcf subject to B.t.u. adjustment and subject to the ultimate disposition of the proceedings in Docket No. R-338.
[14] Acreage committed is limited to all depths shallower than the base of the Mississippian System.
[15] Deletes acreage inadvertently included in the Amendatory Agreement dated Jan. 24, 1969 (Supp. No. 1 to Applicant's FPC GRS No. 52); correct dedication is under Applicant's FPC GRS No. 55, Docket No. CI69-1102.
[16] Complies with temporary certificate issued June 2, 1969. Applicant states willingness to accept permanent authorization for the additional acreage conditioned to the ultimate disposition of the proceeding in Docket No. R-338.
[17] Provides for 5-year makeup period.
[18] By letter filed June 13, 1969 (dated June 11, 1969), Applicant indicated willingness to accept a permanent certificate limiting the buyer's take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.
[19] Currently on file as Atlantic Richfield Co. (Operator) et al., FPC GRS No. 481.
[20] Assignment from Sinclair Oil Corp. (Atlantic Richfield's predecessor) to Tenneco Oil Co.
[21] Accepts conditioned temporary certificate issued June 2, 1969 (filed June 9, 1969). Applicant states willingness to accept a permanent certificate conditioned to limit buyer's take-or-pay obligation to a 1 to 3,650 ratio of takes to reserves for the first two contract years and to a 1 to 7,300 ratio thereafter.
[22] Complies with temporary certificate dated June 2, 1969. Applicant is willing to accept a permanent certificate at 15 cents including tax reimbursement, subject to B.t.u. adjustment and subject to the ultimate disposition of the proceeding in Docket No. R-338.
[23] Ratification and adoption by Sun Oil Co. (DX Division) of gas purchase contract dated June 28, 1963, as amended between Lawrence Oil, Inc., and Texas Eastern Transmission Corp.
[24] Presently on file as Lawrence Oil, Inc. (Operator) et al., FPC GRS No. 1.
[25] Adds acreage and amends provisions of basic contract with respect to quantity and quality of gas involved.
[26] Presently on file as Union Texas Petroleum, a division of Allied Chemical Corp. FPC GRS No. 25.
[27] Filed by Union Texas pursuant to Opinion No. 468 to show a reduction in rate from 18.2430 cents to 14.5 cents.
[28] Copy of the quality statement filed by Union Texas, shows an applicable area rate of 14.5 cents.
[29] Partial assignment of acreage from Union Texas to Mobil Oil Corp.
[30] Conveys acreage to Gallaspy from Charles C. Peepers and covered by Charles C. Peepers FPC GRS No. 1.
[31] This filing covers 640 acres (400 previously not dedicated, 240 acquired by assignments from Cabot Corp., and Gulf Oil Corp.). Jan. 1, 1970, moratorium applicable to the newly dedicated acreage only.

See footnotes at end of table.

[32] Currently on file as Cabot Corp. FPC GRS No. 48 (Docket No. C160-153) and Gulf Oil Corp. FPC GRS No. 283 (Docket No. C160-159).
[33] Assigns acreage from Gulf Oil Corp. to Applicant.
[34] Assigns acreage from Cabot Corp. to Applicant.
[35] A rate of 19.5 cents is suspended in Docket No. R168-13 and has never been placed into effect; therefore, the rate suspension proceeding pending in Docket No. R168-13 will be terminated.
[36] Basic contract provides for 19.5 cents per Mcf; however, by letter filed June 10, 1969, Applicant advised willingness to accept a permanent certificate conditioned to a rate of 17 cents per Mcf plus B.t.u. adjustment.
[37] On file as Apache Corp. FPC GRS No. 12, subject to acreage covered by temporary certificate conditioned to 17 cents per Mcf plus B.t.u. adjustment.
[38] Conveys acreage from Apache to Terry L. Brown.
[39] Conveys acreage from Terry L. Brown to Applicant (pertains to S½NE¼, SE¼SW¼, and SE¼ sec. 24, 5 N. 27 ECM).
[40] Conveys acreage from Terry L. Brown to Applicant (pertains to N½NE¼ sec. 24, 5 N. 27 ECM).
[41] Sale being rendered without prior Commission authorization.
[42] Currently on file as Texaco, Inc., FPC GRS No. 147.
[43] Assigns acreage from Texaco, Inc., to Herman George Kaiser.
[44] Rate of 17.8 cents in effect subject to refund in Docket No. R166-33. Last clean rate was 16.4 cents. Applicant requests termination of the proceeding in Docket No. R166-33 with respect to FPC GRS No. 35 due to de minimis amounts collected ($86.00).
[45] Acreage dedication limited to depths above the base of the Mississippian Formation.

Suggested general undertaking in accordance with Order No. 377:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent) _____

GENERAL UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 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 section 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:

_____

[F.R. Doc. 69-9230; Filed, Aug. 7, 1969; 8:45 a.m.]

[Docket No. CP70-3]

ARKANSAS-LOUISIANA GAS CO.

Notice of Application

AUGUST 5, 1969.

Take notice that on July 9, 1969, Arkansas-Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP70-3 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a tap and delivery facilities to effect a direct sale and delivery of gas to Olinkraft, Inc., for industrial consumption at its plywood plant and sawmill in south Arkansas.

The estimated annual and peak day requirements of Olinkraft, Inc., for the first 3 years are:

	Annual volume (Mcf)	Peak day volume (Mcf)
First year	280,800	1,080
Second year	718,800	2,280
Third year	822,800	3,000

Total estimated cost of the proposed facilities is $153,400. Financing will be provided from cash on hand and short term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9382; Filed, Aug. 7, 1969; 8:50 a.m.]

[Docket No. RP70-3]

BLUEFIELD GAS CO.

Notice of Proposed Change in Rate and Charge

AUGUST 5, 1969.

Notice is hereby given that Bluefield Gas Co. (Bluefield) in July 30, 1969, filed a proposed change in its FPC Gas Tariff Original Volume No. 1, to be effective as of September 1, 1969. The proposed filing would change the general service rate to a cost-of-service formula rate and is proposed to be made applicable to all gas sold to its wholly owned subsidiary, Commonwealth Public Service Corp.

The proposed monthly rate would be computed to reflect necessary and reasonable operating expenses allocable to transmission, one twelfth of annual depreciation expenses at an annual rate of 2 percent, allocable taxes to transmission operation, and a return of 0.5833 percent per month on net investment rate base. Adjustments will be made at the end of each year to reflect the actual current year's operations.

Any person desiring to be heard or to make protest with reference to said tender should on or before August 21, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing herein must file applications to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9383; Filed, Aug. 7, 1969; 8:50 a.m.]

[Docket No. CP66-299]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

AUGUST 1, 1969.

Take notice that on July 28, 1969, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, a division of Colorado Interstate Corp., filed in Docket No. CP66-299 a petition to amend the certificate of public convenience and necessity to authorize the installation of 0.7 mile of pipeline and connection of 3 wells. An additional new well would be drilled in the Northern reservoir and two existing wells would be converted for injection and withdrawal purposes, all as more fully set forth in the application

which is on file with the Commission and open to public inspection.

Applicant proposes the new facilities to meet the peak day and heating season requirements for storage service for the 1969–70 season. Applicant states that these facilities must be ready for service prior to the beginning of the withdrawal season commencing November 1, 1969, and therefore requests temporary authority to commence the construction and operation of the facilities described herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9335; Filed, Aug. 7, 1969; 8:47 a.m.]

[Dockets Nos. CP70-19, CP70-20]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Application

AUGUST 1, 1969.

Take notice that on July 28, 1969, Great Lakes Gas Transmission Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70-19 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing additional sales of natural gas in interstate commerce, the construction and operation of facilities necessary therefor, and an exchange of natural gas in interstate commerce, and in Docket No. CP70-20 an application pursuant to section 3 of the Natural Gas Act for authorization to import an additional 190,800 Mcf per day of natural gas from Canada, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Specifically, in Docket No. CP70-19, Applicant seeks authorization: (1) To transport and sell in interstate commerce 155,000 Mcf of natural gas per day to Natural Gas Pipeline Company of America, 13,000 Mcf per day to Michigan Wisconsin Pipe Line Co., and 13,000 Mcf per day to Inter-City Gas Ltd.; (2) to construct and operate the facilities required to make such sales; and (3) to enter into an exchange agreement with Michigan Wisconsin Pipe Line Co. providing for the exchange of natural gas on any day during the months of November, December, January, February, and March of up to 200,000 Mcf per day commencing November 1, 1970, up to 250,000 Mcf per day commencing November 1, 1971, and up to 300,000 Mcf per day commencing November 1, 1972.

The total estimated cost of the proposed facilities is $10,034,000.

In Docket No. CP70-20 Applicant seeks authorization to import from Trans-Canada Pipe Lines Ltd. at an existing point of interconnection on the international boundary near Emerson, Manitoba, an additional contract quantity of 190,800 Mcf of natural gas per day to enable Applicant to render the additional sales for which authorization is sought in Docket No. CP70-19. No change in Applicant's border facilities is required to permit reception of the imported gas from Canada.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9336; Filed, Aug. 7, 1969; 8:47 a.m.]

[Dockets Nos. CP70-21, CP70-22]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

AUGUST 1, 1969.

Take notice that on July 28, 1969, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70-21 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, construction, and operation of certain natural gas facilities to enable it to meet the increased requirements of its existing customers commencing September 1, 1970, to render transportation and storage services for Natural Gas Pipeline Company of America (Natural), and to exchange gas with Great Lakes Gas Transmission Co. (Great Lakes), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the peak day requirements of its customers will increase from 2,887, 827 Mcf to 3,102,183 Mcf commencing in the fall of 1970. Applicant further states that it has agreed to (a) transport 155,000 Mcf per day for Natural; (b) store annually for Natural 9,000,000 Mcf which Applicant will redeliver to Natural during the period from November 1, to the next succeeding March 1, in volumes of up to 90,000 Mcf per day; and (c) exchange natural gas with Great Lakes during the months of November through March in volumes of up to 200,000 Mcf per day commencing November 1, 1970, up to 250,000 Mcf per day commencing November 1, 1971, and up to 300,000 Mcf per day commencing November 1, 1972.

To meet the increased requirements of its customers and to perform the transportation, storage, and exchange services proposed, Applicant seeks authorization to:

(1) Expand the capacity of its main line system extending to the Gulf Coast area of Louisiana by approximately 83,000 Mcf per day through additional compression;

(2) Purchase 50,000 Mcf per day from Trans-Canada Pipe Lines Ltd. (Trans-Canada);

(3) Purchase 13,000 Mcf per day from Great Lakes;

(4) Acquire by purchase from Michigan Consolidated Gas Company and develop three underground storage fields located in west central Michigan having an initial working storage capacity of 9,000,000 Mcf and an ultimate working storage capacity of 21,000,000 Mcf;

(5) Construct a 30-inch tie line approximately 134 miles in length from a point on Great Lake's line adjacent to its compressor station No. 8 near Crystal Falls, Mich., to a point of interconnection with Applicant's existing system near Appleton, Wis.; and

(6) Install miscellaneous facilities, consisting primarily of compression, new delivery points, and related facilities, and measurement facilities.

The total estimated first year cost of the proposed facilities is $61,712,000, with a total ultimate estimated cost of $70,-901,000, to be financed with treasury funds and retained earnings, together with borrowings from banks under short-term lines of credit.

Also take notice that on July 28, 1969, Applicant filed in Docket No. CP70-22 an application pursuant to section 3 of the

Natural Gas Act for authorization to import natural gas from Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to import 50,000 Mcf per day which Applicant will purchase from Trans-Canada and cause to be delivered to Midwestern Gas Transmission Co. (Midwestern) at an existing point of interconnection of the system of Trans-Canada and Midwestern on the international boundary near Emerson, Manitoba, for transportation by Midwestern and delivery to Applicant at the existing Marshfield, Wis., delivery point. No additional facilities are deemed required by the importation through existing facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9337; Filed, Aug. 7, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

AMERICAN MEDICAL ASSOCIATION

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

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

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

Docket No. 69-00426-33-46500. Applicant. American Medical Association, Education, and Research Foundation, 535 North Dearborn Street, Chicago, Ill. 60610. Article Ultramicrotome, LKB 8800, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary uses are for nervous tissue. In the nervous tissue, the primary study is synaptology. Because the continuity between nervous tissue elements is of primary concern, there is a need for extremely thin sections to determine the specific relationship between these synapsing structures. Therefore it is mandatory that we cut long series of equal thickness serial section. These sections should be easily varied by the operator between the values of 50Å to 2 microns and it should be possible to easily and rapidly change the serial sectioning thickness. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT-2, manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more is it possible to take advantage of the ultimate resolving capabilities of the electron microscope for which the specimen is being prepared. We have been advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that the applicant's research program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic.

For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9302; Filed, Aug. 7, 1969; 8:45 a.m.]

AMERICAN SOCIETY FOR TESTING AND MATERIALS

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

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

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

Docket No. 69-00556-01-07730. Applicant: American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103. Article: X-ray diffraction guinier camera, Model XDC-700. Manufacturer: Incentive Research and Development AB, Sweden. Intended use of article: The article will be used for the identification of crystalline powders, and for research developing the methods of analyses by X-ray diffraction. The inherent features of the article make it possible to measure crystal lattice constants to a very high precision and, to detect the presence of very small amounts of a particular crystal phase. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a crystal monochromator, vacuum path and precise placement of the sample on the focusing circle, which provide a degree of resolution of lines of diffraction and/or contrast of weak lines against the background. These characteristics are pertinent to the purposes for which the foreign article is intended to be used, because they permit the measurement of crystal lattice constants to a very high degree of precision and the detection of small amounts of a particular crystal phase.

The Department of Commerce knows of no instrument or apparatus being

manufactured in the United States which is of equivalent scientific value to the foreign article for the purposes for which this article is intended to be used in the measurement and identification of lattice constants of crystal powders.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9303; Filed, Aug. 7, 1969; 8:45 a.m.]

CASE WESTERN RESERVE UNIVERSITY

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

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

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

Docket No. 69-00462-33-46040. Applicant: Case Western Reserve University, Institute of Pathology, 2085 Adelbert Road, Cleveland, Ohio 44106. Article: Electron microscope, Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for specific projects concerning the following:

1. An investigation of the morphological effects of several antimalarial drugs on malarial parasites.
2. A study of hepatic nuclear membranes in malignancy.
3. A study of pathogenesis of arteriosclerosis.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope, manufactured by the Radio Corp. of America (RCA), which provides a guaranteed resolution of 5 angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolution.) The applicant has described techniques which will be employed to take advantage of the higher resolving capability of the foreign article. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of June 3, 1969, that the difference between 3.5 and 5 angstroms in resolving capability is of very real significance since the achievement of the applicant's research objectives requires the highest available resolution. For this reason, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration

[F.R. Doc. 69-9304; Filed, Aug. 7, 1969; 8:45 a.m.]

COLORADO STATE UNIVERSITY

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

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

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

Docket No. 69-00418-33-46040. Applicant: Colorado State University, Purchasing Department, Fort Collins, Colo. 80521. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for instruction and research training of graduate students and faculty. The following projects are currently under study:

1. Pathogenesis of high mountain disease in cattle lungs.
2. Effects of viper venoms on skeletal muscle.
3. Virus diseases of potatoes.
4. Morphogenesis of Hamster heart muscle.
5. Morphogenesis of Hamster adrenals.
6. Virus diseases of trout pancreas.
7. Formation of ice crystal nuclei.
8. Thin metallic films.
9. Diffraction of single crystals.
10. Differentiation of bacteria.
11. Nematode parasites.
12. Chifton of Acarines.
13. Contractile vacuoles of amoebae.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United State. Reasons: The foreign article is an intermediate electron microscope which, in terms of sophistication and capabilities, lies between the simple, portable electron microscope and the highly complex research types. The applicant intends to use the foreign article in its electron microscope training laboratories for training students in electron microscope techniques and, for this purpose, requires a transitional instrument for bridging the gap between light microscopy and the research types of electron microscopes. In addition to its being relatively simple to operate, the foreign article has three viewing windows to permit several trainees to analyze the image simultaneously. The most closely comparable domestic instrument is the Model EMU-4B, manufactured by the Radio Corp. of America (RCA), which is a highly sophisticated and relatively complex research elecrton microscope with only one viewing window. The foreign article provides a magnification range from 1,000X which is well within the upper range of light microscopy, to 100,000X which is within the lower range of electron microscopy. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of June 3, 1969, that in addition to instruction on operational techniques, a course in electron microscopy involves the teaching of specimen preparation, identification of suitable specimens under an electron microscope, taking proper micrographs, and interpreting the results of electron microscopy. HEW further advises that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for the training program in electron microscopy in which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9305; Filed, Aug. 7, 1969; 8:45 a.m.]

GEOPHYSICAL INSTITUTE, UNIVERSITY OF ALASKA

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

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

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

Docket No. 69-00597-00-43000. Applicant: Geophysical Institute, University of Alaska, College, Alaska 99701. Article: Magnetometer accessory. Manufacturer: Sokkisha, Ltd., Japan. Intended use of article: The portable waterproof turn

induction coil will be used as sensor (vertical) for an existing three-component induction magnetometer. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a component of a magnetometer that had been previously imported for the use of applicant institution. This component is being supplied by the Manufacturer of the equipment with which the article will be used.

The Department of Commerce knows of no similar components being manufactured in the United States which are interchangeable with the foreign article or can be readily adapted to the equipment with which the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9306; Filed, Aug. 7, 1969; 8:45 a.m.]

HOSPITAL OF THE GOOD SAMARITAN

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

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

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

Docket No. 69-00429-33-46500. Applicant: The Hospital of the Good Samaritan, Medical Center, 1212 Shatto Street, Los Angeles, Calif. 90017. Article: Ultramicrotome, LKB 8800A Ultrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for sectioning human biopsy material from virtually all organs including lung, kidney, breast, liver, stomach, intestine, pancreas, and bone for diagnostic evaluation in the electron microscope. In this application, sections are needed from 50 Å to 2 microns thick for alternate evaluation in light and electron microscope. For the detection of small intracellular changes due to pathologic conditions, the thinnest possible sections must be cut. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT-2 manufactured by the Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more it is possible to take advantage of the ultimate resolving capabilities of the electron microscope with which the specimen is to be used. We are advised by the Department of Health, Education, and Welfare in its memorandum dated June 2, 1969, that the applicant's research program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. For this reason, we find that the Sorvall MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9307; Filed, Aug. 7, 1969; 8:45 a.m.]

JOHNS MANVILLE FUND, INC.

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

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

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

Docket No. 69-00434-33-46500. Applicant: Johns Manville Fund Inc., 22 East 40th Street, New York, NY. 10016. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for high resolution electron microscopy and electron microprobe analysis. Prepared sections must be cut uniformly thick to allow for comparative histologic and particle examination. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT-2 manufactured by the Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more is it possible to take advantage of the ultimate resolving capabilities of the electron microscope with which the specimen is to be used. We are advised by the Department of Health, Education, and Welfare in its memorandum dated June 2, 1969, that the applicant's research program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. For this reason, we find that the Sorvall MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9308; Filed, Aug. 7, 1969; 8:45 a.m.]

LOYOLA UNIVERSITY

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

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

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

Docket No. 69-00522-99-46040. Applicant: Loyola University, 6525 North Sheridan Road, Chicago, Ill. 60626. Article: Electron microscope, Model JEM-50. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used by selected students from courses in microbiology, histology, and embryology. A highly sophisticated electron microscope presently on hand is not suitable for initial training of undergraduate students. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons:

The foreign article is a relatively simple, compact and mobile nonscanning electron microscope with a single (50 kilovolt) accelerating voltage, a resolution of 50 angstroms and magnifications of 2,000X, 3,000X, and 4,000X which are well within the magnification range of a light microscope. The applicant intends to use the foreign article in a program designed to provide undergraduate students of biology, histology, and embryology with initial training in the application of electron microscopy in research. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 19, 1969, that "the compactness and portability of the (foreign) instrument places it in a class distinct from the domestic instrument." It is noted that the domestic instrument referred to by HEW in the cited memorandum is the Model EMU-4B electron microscope manufactured by the Radio Corp. of America (RCA), which is the only nonscanning electron microscope being manufactured in the United States. The RCA Model EMU-4B is a highly sophisticated research electron microscope with five available accelerating voltages, a magnification range up to 200,000X and a resolution of 5 angstroms (the lower the numerical rating in terms of angstrom units, the better the resolution). The RCA Model EMU-4B requires a fixed installation and a circulating water system for cooling. In addition, preliminary training in electron microscope techniques is necessary to the effective operation of the RCA Model EMU-4B.

For the foregoing reasons, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9309; Filed, Aug. 7, 1969; 8:45 a.m.]

METHODIST HOSPITAL OF BROOKLYN

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

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

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

Docket No. 69-00476-33-46500. Applicant: Methodist Hospital of Brooklyn, 506 Sixth Street, Brooklyn, N.Y. 11215. Article: Ultramicrotome, Reichert Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for serial sectioning tissue in uniform thickness of about 50 angstroms for study under the electron microscope. The research concerned is a study of the fine structure of tumors produced in lungs of mice exposed to air polluted by ozone, as well as a study to compare the changes in cells of bladder tumors of patients as compared to those produced in animals by chemical means. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT-2, manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more is it possible to take advantage of the ultimate resolving capabilities of the electron microscope for which the specimen is being prepared. We have been advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that the applicant's research program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9310; Filed, Aug. 7, 1969; 8:45 a.m.]

MINNEAPOLIS VETERANS ADMINISTRATION HOSPITAL

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

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

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

Docket No. 69-00398-33-46500. Applicant: Minneapolis Veterans Administration Hospital, 54th Street and 48th Avenue South, Minneapolis, Minn. 55417. Article: Ultramicrotome, Model LKB 8800A, Ultrotome III and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning the ultrastructure and cytochemistry of a number of tissues, such as human blood, leukemia, cancer of the prostate, skin, and comparative developmental biology. To perform these studies, ultrathin sections are required in long series and must be cut in equal thickness throughout for electron microscopy. Because the exact thickness varies with the different tissues concerned, it is important that the operator be able to quickly and easily change cutting thickness from the range of 50-60 Å up to 2 microns. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more it is possible to take advantage of the ultimate resolving capabilities of the electron microscope with which the specimen is to be used. We are advised by the Department of Health, Education, and Welfare in its memorandum dated June 2, 1969, that the applicant's research program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. For this reason, we find that the Sorvall MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9311; Filed, Aug. 7, 1969; 8:45 a.m.]

NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES

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

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

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

Docket No. 69-00487-85-54050. Applicant: New York State, Department of Motor Vehicles, 800 North Pearl Street, Albany, N.Y. 12206. Article: Recording nyctometer with recording forms, No. 60-0-049. Manufacturer: Carl Zeiss Jena, West Germany. Intended use of article: The article will be used for research in night vision characteristics. The night vision characteristics are measured and recorded with a minimum of operator skill, which is essential to accurate research done on a mass-study basis. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a commercially standard device for testing the capability of persons to see at night or in a dim light. One domestic manufacturer, American Optical Co., did at one time produce similar instruments, but discontinued production thereof due to a very limited demand for such instruments. Another domestic manufacturer, Airborne Instruments Laboratories (AIL), submitted a bid (see AIL Proposal J-4525) to custom-make an apparatus for simulating conditions of night driving and to test night vision characteristics, after performing the necessary basic research and development leading to the establishment of test specifications for measuring night vision characteristics. The total cost of research, development and design, fabrication and installation ($68,615) was to be borne by the applicant. Section 602.1(f) of above-cited regulations provides:

Domestic manufacture. An instrument, apparatus or accessory shall be considered as being manufactured in the United States;

(1) If it is actually produced within the United States and is on sale and available from a stock in the United States, or

(2) With respect to instruments, apparatus or accessories which are generally custom-made (made to purchasers' specifications) by a domestic manufacturer of such articles or articles of the same general type, if a U.S. manufacturer is able and willing to produce the instrument, apparatus, or accessory within the United States and have it available promptly so that it may be obtained by the applicant without unreasonable delay.

In determining whether a U.S. manufacturer is able and willing so to produce such a domestic article and have it so available, the Administrator shall take into account the normal commercial practice applicable to the production and distribution of instruments or apparatus of the same general type, as well as such other factors which in his judgment are reasonable to take into account under the circumstances of a particular proceeding.

The normal commercial practice concerning instruments of the same general type as the foreign article, is to have in stock the components and subassemblies that enter into the production of the instrument and assemble them on order from a customer, making such adjustments during assembly as are necessary to meet the specific needs of the purchaser. Delivery of 60 to 90 days quoted by the foreign manufacturer (see memorandum to the record dated June 13, 1969) and the quoted price of $2,820 is considered normal for instruments of this type. On the other hand, it is apparent from the following which make up the proposal of AIL, that this domestic manufacturer did not produce a commercially standard item:

(1) Perform a preliminary study, which will require 3 months to complete;

(2) Design, fabricate and test a "laboratory breadboard instrument," which would be ready for delivery in 10 months; and

(3) Installation of the instrument within 30 days after fabrication thereof has been completed.

In summary, AIL offered to perform (at the applicant's expense) those research and development functions which an established manufacturer of nyctometers had already completed prior to entering into the production of such instruments. Moreover, AIL's proposal relates to an elaborate apparatus for simulating road conditions at night and for testing the night driving capabilities of individuals, whereas the applicant requires only a relatively simple instrument for testing nyctalopia (night blindness). It is noted that according to § 602.1(b)(7) of above-cited regulations, cost differences are not considered pertinent to the evaluation of scientific equivalency within the context of § 602.1(e). In this application, however, the issue is whether there is being manufactured in the United States a nyctometer that is comparable to the foreign article, within the purview of § 602.1(f). In this context, it is considered reasonable to take into account the fact that AIL Proposal J-4525 relates to an instrument that will cost the applicant approximately 25 times the price of the foreign article; that this instrument is an elaborate custom-made device in contrast to the commercially standard foreign article; and that this article may be obtained as a matter of normal commercial practice within 60 to 90 days after receipt of order, whereas the delivery time quoted by AIL is between 10 and 12 months. These factors are collateral evidence supporting a finding that AIL was not able to produce an instrument of the same general type as the foreign article and have it available without unreasonable delay, taking into account the normal commercial practice applicable to the production and distribution of instruments or apparatus of the same general type.

The Department of Commerce knows of no other instrument or apparatus being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9312; Filed, Aug. 7, 1969; 8:45 a.m.]

OHIO UNIVERSITY

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

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

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

Docket No. 69-00592-00-46040. Applicant: Ohio University, Purchasing Department, Athens, Ohio 45701. Article: Electromagnetic shutter/timer and projector tube base, Models 171-048 and 171-460a. Manufacturer: Siemens AG, West Germany. Intended use of article: The accessories will be used on an existing electron microscope for measurement of exact exposure times. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope previously imported for use of applicant institution. This accessory is being supplied by the manufacturer of the instrument with which it is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article, or can be readily adapted to the instrument with which the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9313; Filed, Aug. 7, 1969; 8:46 a.m.]

QUAKERTOWN COMMUNITY SCHOOL DISTRICT, PA.

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

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

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

Docket No. 69-00600-00-61800. Applicant: Quakertown Community School District, 600 Park Avenue, Quakertown, Pa. 18951. Article: Projection orrery accessory. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The article is an attachment designed specifically for use on the existing Goto planetarium. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an attachment for a planetarium system previously imported for use of applicant institution. The attachment is being supplied by the manufacturer of the system with which it is intended to be used.

The Department of Commerce knows of no similar attachment being manufactured in the United States which is interchangeable with the foreign article, or can be readily adapted to the system with which the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9314; Filed, Aug. 7, 1969; 8:46 a.m.]

SAN JOSE STATE COLLEGE

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

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

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

Docket No. 69-00477-33-46040. Applicant: San Jose State College, 125 South Seventh Street, San Jose, Calif. 95114. Article: Electron microscope, Model JEM-T7 and accessories. Manufacturer: Japan Electron Optics Laboratory, Co., Japan. Intended use of article: The article will be used for teaching purposes and graduate student research projects. Projects presently underway include the investigation and study of ultrastructure of frog skin and other epithelial type ion pumping organs. Also, studies will be undertaken on immuno chemistry work using rat kidney tissue. The program involves studies of the ultrastructure of various biological specimens with particular emphasis on histochemical and immuno chemical properties of these specimens. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant institution placed the order for the foreign article (January 1967). Reasons: Subject application is a resubmission of Docket No. 69-00060-33-46040. The invitation to bid was issued on December 15, 1967, at which time the most closely comparable domestic instrument was the Model EMU-4 which was manufactured by the Radio Corp. of America (RCA). This domestic instrument provided accelerating voltages of 50 and 100 kilovolts. The foreign article provides an accelerating voltage of 25 kilovolts. It has been experimentally established that the lower accelerating voltage affords optimum contrast for ultrathin unstained specimens. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that the lower accelerating voltage is necessary for accomplishing experiments in histochemistry with unstained specimens.

For this reason, we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus being manufactured in the United States at the time the applicant placed the order for the foreign article, which was of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9316; Filed, Aug. 7, 1969; 8:46 a.m.]

STATE UNIVERSITY OF NEW YORK, STONY BROOK, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00666-65-07795. Applicant: State University of New York, Stony Brook, N.Y. 11790. Article: Periphery Camera, Model RE. Manufacturer: Research Engineers Ltd., U.K. Intended use of article: The article will be used to study the overall stress and strain distributions in shell structures ranging from everyday machinery to spacecraft. Application received by Commissioner of Customs: June 12, 1969.

Docket No. 69-00667-00-46040. Applicant: National Bureau of Standards, Route 70S and Quince Orchard Road, Washington, D.C. 20234. Article: Large specimen chamber for Siemens Elmiskop I electron microscope. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used to modify an existing electron microscope used for materials research. Application received by Commissioner of Customs: June 12, 1969.

Docket No. 69-00668-33-46040. Applicant: University of California School of Medicine at Davis, Davis, Calif. 95616. Article: Electron microscope, Model AEI EM6B. Manufacturer: GEC-AEI Electronics, Ltd., U.K. Intended use of article: The article will be used for biological research which includes the following areas:

a. Changes in the nervous system and liver in response to toxic and physical agents.

b. Mitochondrial membrane changes as related to biochemical enzyme function.

c. Examination of macromolecules to characterize the size and shape and to compare the differences after isolation under diverse metabolic states.

d. Virus isolates and their effects in producing congenital deformities in marmosa monkeys, and rats.

e. Changes in the adrenal cortex of rats under various physiologic states and in the human fetal adrenals at various ages of gestation and in normal and diseased muscle of human, monkey, guinea pig, mouse, rat, and chicken.

f. Three dimentional reconstruction to study relationships and interconnections of cellular organelles in the adrenal cortex of rats and frogs requiring magnifications of × 30,000–× 70,000 on the microscope screen.

Application received by Commissioner of Customs: June 12, 1969.

Docket No. 69–00670–00–41200. Applicant: Health Research, Inc., 666 Elm Street, Buffalo, N.Y. 14203. Article: Klystron tube, Type VC 104. Manufacturer: Varian Associates, Inc., Canada. Intended use of article: The article will be used as a component to an existing instrument for the study of radiation damage. Application received by Commissioner of Customs: June 16, 1969.

Docket No. 69–00671–33–77040. Applicant: University of California at San Diego, Purchasing Department, Post Office Box 109, La Jolla, Calif. 92037. Article: Respiratory air mass spectrometer, Model 473–601. Manufacturer: Varian MAT, West Germany. Intended use of article: The article will be used for analyzing expired gas in men who have been inhaling various gas mixtures. Four gases will be monitored simultaneously in order to measure the change in gas exchange ratio and the distribution of ventilation. The concentration of exhaled water vapor will also be monitored in order to make appropriate corrections for the other gases. This analysis will reveal the function of the lungs. Application received by Commissioner of Customs: June 16, 1969.

Docket No. 69–00672–33–46040. Applicant: University of Cincinnati Medical Center, Department of Pathology, Eden and Bethesda Avenue, Cincinnati, Ohio 45229. Article: Electron microscope Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for the following studies:

a. The correlation of defective muscle membrane with structure abnormality in myotonic animals.

b. The correlation of chemical and antigenic alterations with the fine structure morphology of the plasma membranes in both isolated fragments and intact cells.

c. The study of early fine structure changes in accelerated rejection of transplanted dog kidneys.

Application received by Commissioner of Customs: June 16, 1969.

Docket No. 69–00674–33–46500. Applicant: Louisiana State University Medical Center, Department of Anatomy, 1542 Tulane Avenue, New Orleans, La. 70112. Article: Ultramicrotome, Reichert Model "Om U2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used to section tissues of about 50 angstroms for a variety of studies which include: (a) viewing connections between cells during organogenesis, (b) the study of crystalline materials in hard tissues in normal and abnormal cartilage, and (c) to obtain maximum resolution of isotopically labeled material within subcellular organelle. Application received by Commissioner of Customs: June 18, 1969.

Docket No. 69–00675–33–46040. Applicant: Creighton University Medical School, 627 North 27th Street, Omaha, Nebr. 68131. Article: Electron microscope, Model EM–9S and spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of articles: The article will be used for the teaching and training medical students, residents, Ph. D. candidates, trainees, and visiting fellows as well as for research on the structure, function and disease processes in general and special pathology. Various aspects of general morphology are being investigated as well as comparative studies of the normal structure and physiology of animals and humans. Application received by Commissioner of Customs: June 18, 1969.

Docket No. 69–00676–99–80045. Applicant: Bridgeport Board of Education, 45 Lyon Terrace, Bridgeport, Conn. 06604. Article: Telescope, Model 303 and accessories. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The article will be used by students, under supervision, for general observation, solar observation, cometary exploration, spectral analysis, learning stellar coordinates, and celestial photography. It will also be used for instruction of astronomy and for scientific study of the stars and other celestial elements. Application received by Commissioner of Customs: June 18, 1969.

Docket No. 69–00677–00–46040. Applicant: University of California, College of Engineering, Department of Electrical Engineering, Davis, Calif. 95616. Article: 1 each ABD–2 high resolution dark field accessory, 1 each AD–2 high resolution diffraction accessory, 1 each AR–3 reflection accessory, 1 each AC–3 transmission cold stage, 1 each AS power control box, 1 each AHT–3 transmission hot stage, 1 each ASM control unit for ALG–1 goniometer stage. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The articles will be used on an existing electron microscope, Model JEM–7A, for graduate level instruction and research in the College of Engineering. Application received by Commissioner of Customs: June 19, 1969.

Docket No. 69–00678–33–46040. Applicant: The University of Michigan Dental Research Institute, Laboratory of Cell Biology, 1011 North University, Ann Arbor, Mich. 48104. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for advanced research and research training programs. Research will consist of two major projects which include experimental studies to establish the immunologic specificity of molecular interaction between small protein antigens and thoracic duct lymphocytes in vitro and in vivo, as well as studies concerned with the isolation of various subcellular structures such as polyribosomes and mitochondrial subfractions. The educational use will be for the advanced research training of postdoctoral fellows who have had some exposure to biological electron microscopy and are in need of advanced training in high resolution electron microscopy. Application received by Commissioner of Customs: June 19, 1969.

Docket No. 69–00680–65–46070. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Scanning electron microscope, Model Mark IIA, video presentation unit, multipurpose specimen Stage C, additional visual system and specimen current amplifier manufacturer: Cambridge Instrument Co., Ltd., U.K. Intended use of article: The article will be used for fracture studies of alloys and composites, the precision location of heterojunctions in solid-state ultraviolet radiation detectors, and studies of human bone and tissues. In addition to these applications, the article will also be used to expand research capabilities in the area of microcrystallographic orientation analysis. Application received by Commissioner of Customs: June 19, 1969.

Docket No. 69–00681–65–46070. Applicant: University of Florida, Department of Metallurgical Materials Engineering, College of Engineering, Gainesville, Fla. 32601. Article: Scanning Electron Microscope, Model Mark IIA. Manufacturer: Cambridge Instruments Company, Ltd., U.K. Intended use of article: The article will be used for a wide spectrum of research programs as indicated below:

a. The study of fracture surfaces of metals, ceramics, composite structures and fibers.

b. The study of the mechanisms of corrosion reactions based on evolution and morphology of reaction product films and interfaces.

c. Electrical behavior of semiconducting metals and glasses.

d. Characterization of surfaces and surface reactions.

e. The study of materials for surgical implantation.

Application received by Commissioner of Customs: June 19, 1969.

Docket No. 69–00682–33–46500. Applicant: Harvard University, Holyoke Center, Cambridge, Mass. 02138. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The studies deal with fine structure of endothelia and epithelia in a variety of organs under normal and pathologic conditions. A primary aim is the study of intracellular contacts. Therefore, it is necessary to cut equal thickness serial sections, and that the operator should be able to easily vary these sections between 100 angstroms and 2 microns. Application received by Commissioner of Customs: June 23, 1969.

Docket No. 69-00683-33-46500. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used by medical students, residents, and faculty in the preparation of sections, ranging in thickness from 50 angstroms to 2 microns, of biological material for examination in a high resolution microscope as well as in interference microscope. The materials will vary considerably from spermatozoa and uterine muscle to nerves and adrenal tissue. Application received by Commissioner of Customs: June 23, 1969.

Docket No. 69-00684-01-77030. Applicant: University of Illinois at Chicago Circle, 601 South Morgan Street, Chicago, Ill. 60607. Article: Nuclear Induction Spectrometer, Model HX5/5. Manufacturer: Bruker Physik, West Germany. Intended use of article: The article will be used in an experimental program concerned with a variety of nuclear magnetic resonance studies of "Low Sensitivity" nuclei. The low sensitivity of the nuclei in question is a result of some or all of the following: Low natural abundance, small magnetic moment, low solubility, and long relaxation times. Experimental techniques developed over the past few years, in addition to advanced instrumentation, now make such studies feasible; thus making available two whole new areas of inorganic chemistry the richness of nuclear magnetic resonance experiments. Application received by Commissioner of Customs: June 23, 1969.

Docket No. 69-00685-01-77030. Applicant: Eastern Michigan University, Ypsilanti, Mich. 48197. Article: Nuclear magnetic resonance spectrometer, Model JNM-C-60HL. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for the following:

a. Instructional use in connection with the following courses: Introductory and advanced organic chemistry, inorganic chemistry, instrumental analysis and physical chemistry.

b. Structure determination of organophosphorus and organoborane compounds and boron hydrides. Study of Lewis acid and base strength of above compounds.

c. Structure determination of bridged polycyclic hydrocarbons.

d. Study of electron density and bonding changes viewed from chemical shift data.

e. Structural determination of perfluoroarene sandwich compounds and perfluoroaromatics.

f. Study of pi-complexed olefins bonded to platinum.

g. Characterization of novel monomers.

h. Study of stereochemistry of thermally stable condensation polymers.

i. Structure determination of imides, epoxides and related compounds.

j. Study of enzyme—inhibitor kinetics.

k. Solvation studies of proton transfer complexes at varying temperatures.

l. Study of degradation of estrogens in strong acids.

Applications received by Commissioner of Customs: June 23, 1969.

EDWARD G. SMITH,
Director for Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9315; Filed, Aug. 7, 1969; 8:46 a.m.]

TAMAQUA AREA SCHOOL DISTRICT, PA.

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

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

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

Docket No. 69-00607-00-61800. Applicant: Tamaqua Area School District, Box 112, Tamaqua, Pa. 18252. Article: Planetarium accessory. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The geocentric earth accessory is an attachment designed specifically for use on the existing planetarium. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an attachment for a planetarium system previously imported for use of applicant institution. The attachment is being supplied by the manufacturer of the system with which it is intended to be used.

The Department of Commerce knows of no similar attachment being manufactured in the United States which is interchangeable with the foreign article, or can be readily adapted to the system with which the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9317; Filed, Aug. 7, 1969; 8:46 a.m.]

TAMAQUA AREA SCHOOL DISTRICT, PA.

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

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

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

Docket No. 69-00603-00-61800. Applicant: Tamaqua Area School District, Box 112, Tamaqua, Pa. 18252. Article: Planetarium accessory. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The solar-lunar eclipse projector is an attachment designed for use on the existing planetarium. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an attachment for a planetarium system previously imported for use of applicant institution. The attachment is being supplied by the manufacturer of the system with which it is intended to be used.

The Department of Commerce knows of no similar attachment being manufactured in the United States which is interchangeable with the foreign article, or can be readily adapted to the system with which the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9318; Filed, Aug. 7, 1969; 8:46 a.m.]

TAMAQUA AREA SCHOOL DISTRICT, PA.

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

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

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

Docket No. 69-00604-00-61800. Applicant: Tamaqua Area School District, Box 112, Tamaqua, Pa. 18252. Article: Planetarium accessory. Manufacturer: Goto Optical Manufacturing Co., Japan. Intended use of article: The projection

orrery is an attachment designed for use on the existing planetarium. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an attachment for a planetarium system previously imported for use of applicant institution. The attachment is being supplied by the manufacturer of the system with which it is intended to be used.

The Department of Commerce knows of no similar attachment being manufactured in the United States which is interchangeable with the foreign article, or can be readily adapted to the system with which the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9319; Filed, Aug. 7, 1969; 8:46 a.m.]

TEXAS TECHNOLOGICAL COLLEGE

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

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

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

Docket No. 69-00436-33-46040. Applicant: Texas Technological College, Lubbock, Tex. 79409. Article: Electron Microscope, Model HU-11E-1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in a training and research program to investigate cell fine structure. A variety of biological materials will be studied, for example, individual protein and polysaccharide molecules and cells of fungi and higher organisms. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B, manufactured by the Radio Corp. of America (RCA), which provides a guaranteed resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) The applicant has described techniques to be employed in conducting experiments in which the foreign article is intended to be used, which permit taking advantage of the maximum available resolution. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 2, 1969, that with respect to resolving capability, the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for the purposes for which the article will be used. Since resolving capability is pertinent to the purposes for which the foreign article is intended to be used, we find that the RCA Model EMU-4B is not of equivalent scientific value for such purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9320; Filed, Aug. 7, 1969; 8:46 a.m.]

TEXAS TECHNOLOGICAL COLLEGE

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

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

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

Docket No. 69-00475-33-46500. Applicant: Texas Technological College, Lubbock, Tex. 79409. Article: Ultramicrotome, Model LKB 8800A, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in teaching and research programs to produce ultrathin sections of biological materials for electron microscopy. The major research program concerns a study of the host-parasite complex consisting of a higher plant and its fungal parasite. In teaching, it will be necessary to use a wide variety of embedding media in order to match the hardness of the specimen. It is well known that harder blocks require slow cutting speeds and that softer plastics are best sectioned at higher cutting speeds. Thus a wide range of cutting speeds is required in order to produce thin section suitable for electron microscopic examination. Comments: No comments have been received with respect to this application. Decision: Application approved.

No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT-2, manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more it is possible to take advantage of the ultimate resolving capabilities of the electron microscope for which the specimen is being prepared. We have been advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that the applicant's research program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9321; Filed, Aug. 7, 1969; 8:46 a.m.]

UNIVERSITY OF ALASKA

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

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

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

Docket No. 69-00464-89-44630. Applicant: University of Alaska, Geophysical Institute, College, Alaska 99701. Article: Meteorological apparatus. Manufacturer: Rauchfuss Instruments & Staff Pty., Ltd., Australia. Intended use of article: The article will be used to record meteorological parameters on a year-around basis. The long-period stripchart recorders are the only meteorological instruments available which have the capability of unattended operation for up to 12 months. This requirement is essential for the project intended, since access to the

field site in the Brooks Range in Northern Alaska is restricted to a few weeks in summer only. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is to be used for measuring and recording meteorological phenomena in northern Alaska. Access to this area may be obtained only during a few weeks in the summer. Since, the meteorological data must be collected on a 12-month basis, the instrument used for this purpose must be capable of automatic operation without attendance for this period. The foreign article has this characteristic. We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 27, 1969, that it knows of no instrument or apparatus being manufactured in the United States which is capable of fulfilling the applicant's purposes for which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9322; Filed, Aug. 7, 1969; 8:46 a.m.]

UNIVERSITY OF ARIZONA

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

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

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

Docket No. 69-00594-00-46040. Applicant: University of Arizona, Department of Metallurgy, Tucson, Ariz. 85721. Article: Electron miscroscope accessories (Tilting stage, pole piece, specimen holder, protect cylinder and specimen stage). Manufacturer: Hitachi, Ltd., Japan. Intended use of article: These articles will be used in conjunction with the existing Hitachi electron microscope, Model HU-200E, for research and teaching in the field of metallurgy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope previously imported for use of applicant institution.

This accessory is being supplied by the manufacturer of the instrument with which it is intended to be used. The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article, or can be readily adapted to the instrument with which the article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9323; Filed, Aug. 7, 1969; 8:46 a.m.]

UNIVERSITY OF CHICAGO

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

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

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

Docket No. 69-00550-00-46040. Applicant: University of Chicago, Department of Medicine, 950 East 59th Street, Chicago, Ill. 60637. Article: Specimen airlock with electromagnetic beam deflection for Elmiskop 1A electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing Elmiskop 1A electron microscope used for research on heart muscle. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accesssory for an electron microscope which had been previously imported for the use of the applicant institution. The accessory is being furnished by the manufacturer of the foreign electron microscope.

The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article or which can be readily adapted to the foreign electron microscope with which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9324; Filed, Aug. 7, 1969; 8:46 a.m.]

UNIVERSITY OF CHICAGO

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

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

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

Docket No. 69-00413-33-46040. Applicant: University of Chicago, 5801 South Ellis Avenue, Chicago, Ill. 60637. Article: Electron miscroscope, Model HU 200-E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to enhance and extend a research program on molecular organization of cell membranes and derivatives, as well as in space molecular biology. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable domestic instrument is the Model EMU-4B electron microscope, manufactured by the Radio Corp. of America (RCA), which provides a maximum accelerating voltage of 100 kilovolts.

The higher the accelerating voltage, the greater is the penetrating power and, concomitantly, the more is it possible to attain the ultimate resolving power of the electron microscope which is limited by the thickness of the specimen. The applicant intends to use the foreign article in experiments on materials such as extra-terrestrial particles which, in their natural state, are obtainable only in varying thicknesses. Therefore, the higher accelerating voltage of the foreign article is pertinent to the purposes for which it is intended to be used. For this reason, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9325; Filed, Aug. 7, 1969; 8:46 a.m.]

UNIVERSITY OF CHICAGO

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

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

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

Docket No. 69-00461-33-46040. Applicant: The University of Chicago, 5801 South Ellis Avenue, Chicago, Ill. 60637. Article: Electron microscope, Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to enhance and extend a research program on molecular organization of cell membranes and derivatives, as well as in space molecular biology. The article will also be used for combined electron microscopy and microchemical studies. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a guaranteed resolving capability of 3.5 angstroms.

The most closely comparable domestic instrument is the Model EMU-4B electron microscope, manufactured by the Radio Corp. of America (RCA), which provides a guaranteed resolution of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolution.) The applicant has described techniques which will be employed to take advantage of the higher resolving capability of the foreign article. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of June 3, 1969, that the difference between 3.5 and 5 angstroms in resolving capability is of very real significance since the achievement of the applicant's research objectives requires the highest available resolution. For this reason, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9326; Filed, Aug. 7, 1969; 8:46 a.m.]

UNIVERSITY OF COLORADO

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

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

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

Docket No. 69-00453-85-43000. Applicant: University of Colorado, Regent Hall, Room 122, Boulder, Colo. 80302. Article: Portable nuclear precision magnetometer, Model GM-102. Manufacturer: Barringer Research, Canada. Intended use of article: The article will be used as part of a program to equip an undergraduate teaching laboratory in geophysics. The Department of Geological Sciences requires a field magnetometer of the nuclear precession type for student field use to demonstrate the principles of nuclear precession. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant intends to use the foreign article for teaching geological students in the principles of nuclear precession as applied to field measurements.

Comparable instruments being manufactured in the United States employ the flux gate principle, balance principle and other principles except the principle of nuclear precession. We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 13, 1969, that it knows of no portable nuclear precession magnetometer being manufactured in the United States and, further, that any other type of magnetometer would not serve the purposes for which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9327; Filed, Aug. 7, 1969; 8:46 a.m.]

UNIVERSITY OF IOWA

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

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

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

Docket No. 69-00484-33-46040. Applicant: University of Iowa, Department of Anatomy, Medical Research Center, Iowa City, Iowa 52240. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for biological research projects in progress as indicated below:

A. Computerization of electron densitometric data obtained from screen of electron microscope in quantitative and three dimensional studies of the nervous system.

B. Comparative quantitative studies between light microscopy and low magnification electron microscopic technics, specifically with regard to nerve fiber size spectra.

C. High resolution electron microscopy of nerve twig myelin and axoplasm with different functions.

D. Three-dimensional reconstructions of mm-long mammalian muscle spindles.

E. High resolution negative staining technic in characterization of protein-polysaccaride-complexes of unknown size and composition in embryonic connective tissue from mice.

F. High resolution electron microscopy of ferritin-tagged antibodies against glucagon and insulin in pancretic in-vitro systems and of antibodies against pituitary hormones.

G. Ultrastructural radioautography with I^{125} and H^3 on frog muscle spindles and the immunology of human lymphocytes.

H. Ultrastructural cytochemistry of muscle spindles, in implantation studies of fertilized hamster ova, gingival reactions to steroid hormones, periodontal disease and cytology of rat pituitaries.

I. Aerosol particle counts and measurements in conjunction with dental drilling.

J. Training of students in three dimensional ultrastructure, high resolution electron microscopy and maintenance of different makes of a modern electron microscope.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope, manufactured by the Radio Corp. of America (RCA), which provides a guaranteed resolution of 5 angstroms. (The lower the numerical rating in terms of angstroms units, the better the resolution.) The applicant has described techniques which will be employed to take

advantage of the higher resolving capability of the foreign article. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of June 3, 1969, that the difference between 3.5 and 5 angstroms in resolving capability is of very real significance since the achievement of the applicant's research objectives requires the highest available resolution.

For this reason, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9328; Filed, Aug. 7, 1969; 8:47 a.m.]

UNIVERSITY OF MINNESOTA

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

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

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

Docket No. 69-00488-33-46500. Applicant: University of Minnesota, Department of Zoology, Minneapolis, Minn. 55455. Article: Ultramicrotome, Reichert "OmU2". Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article will be used for both research and teaching. For research, one project is the comparative study of the deoxyriboncleic acid (DNA) molecules in the kinetoplasts of trypanosomatid protozoa. In the second project the ultramicrotome will be employed to section Epon-embedded mouse hepatoma for the examination of cell junctions. A third project involves Epon-embedded spider cardiac muscle. In teaching, an advanced cytology course "Fine Structure of Animal Cells, Zoology 5165" is offered for advanced undergraduate and graduate students. Comments: No comments have been received with respect to this application. Decision: Application approved.

No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT-2, manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more is it possible to take advantage of the ultimate resolving capabilities of the electron microscope for which the specimen is being prepared. We have been advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that the applicant's reseach program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9329; Filed, Aug. 7, 1969; 8:47 a.m.]

UNIVERSITY OF PENNSYLVANIA

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

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

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

Docket No. 69-00421-00-46040. Applicant: University of Pennsylvania, Department of Pathology, 36th and Spruce Streets, Philadelphia, Pa. 19106. Article: Electronic shutter with exposure meter for elmiskop IA electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used on an existing electron microscope to measure the exact exposure time. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope which had been previously imported for the use of the applicant institution. The accessory is being furnished by the manufacturer of the foreign electron microscope.

The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article or which can be readily adapted to the foreign electron microscope with which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9330; Filed, Aug. 7, 1969; 8:47 a.m.]

UNIVERSITY OF PENNSYLVANIA

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

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

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

Docket No. 69-00447-33-46500. Applicant: University of Pennsylvania, Department of Neurology, 3400 Spruce Street, Philadelphia, Pa. 19104. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning the ultrastructure and cytochemistry of large numbers of muscle biopsies from patients with human muscle disease. These studies are necessary to gain a better understanding of the etiology and pathogenesis of these disorders. To perform these studies, specimens must be prepared for electron microscopy, which requires ultrathin sections in long series for dimensional reconstruction of structure. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a minimum thickness capability of 50 angstroms. The only known comparable domestic ultramicrotome is the Model MT-2, manufactured by Ivan Sorvall, Inc. (Sorvall), which has a minimum thickness capability of 100 angstroms. The thinner the specimen section, the more is it possible to take advantage of the ultimate resolving capabilities of the electron microscope for which the specimen is being prepared. We have

been advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that the applicant's research program requires sections of less than 100 angstroms and, therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9331; Filed, Aug. 7, 1969; 8:47 a.m.]

UNIVERSITY OF TEXAS

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

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

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

Docket No. 69-00470-33-33300. Applicant: The University of Texas M. D. Anderson Hospital and Tumor Institute, 6723 Bertner, Houston, Tex. 77025. Article: Fibergastroscope, "Machida Type B". Manufacturer: Shoei Industries Co., Ltd., Japan. Intended use of article: The article will be used for clinical cancer research. A unique specification of the article is that of direct vision biopsy of the stomach by which gastric cancer can frequently be diagnosed without surgery in the living human. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to permit direct visual biopsy of the intestinal tract. This allows, for example, gastric cancer to be frequently diagnosed without resorting to surgery. The foreign article will be used for both research and training in visual biopsy. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of June 3, 1969, that the direct visual biopsy characteristic of the foreign article is pertinent to such purposes and, further, that HEW knows of no instrument or apparatus being manufactured in the United States which has this characteristic.

Neither does the Department of Commerce know of any instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9332; Filed, Aug. 7, 1969; 8:47 a.m.]

UNIVERSITY OF VIRGINIA

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

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

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

Docket No. 69-00554-00-46040. Applicant: University of Virginia, Department of Materials Science, Thornton Hall, Charlottesville, Va. 22901. Article: Double-tilt heating stage for a Siemens electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope for research in metals. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope which had been previously imported for the use of the applicant institution. The accessory is being furnished by the manufacturer of the foreign electron microscope.

The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article or which can be readily adapted to the foreign electron microscope with which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9333; Filed, Aug. 7, 1969; 8:47 a.m.]

VETERANS ADMINISTRATION HOSPITAL, BUFFALO, N.Y.

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

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

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

Docket No. 69-00460-33-79300. Applicant: Veterans Administration Hospital, 3495 Bailey Avenue, Buffalo, N.Y. 14215. Article: Multichannel stethoscope, Type 16100. Manufacturer: Amplivox Exports Ltd., U.K. Intended use of article: The article will be used in group teaching of third and fourth year medical students specializing in cardiology. The objective is to teach the students to recognize and differentiate between the various heart sounds, using their personal stethoscopes through the artificial chests which are simulated by rubber diaphragms incorporated in the multichannel stethoscope. The multichannel stethoscope is actually an artificial chest. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to simulate variations in the sounds in the human chest which are heard through a physician's stethoscope, each sound indicating a particular physiological condition of the chest. The applicant intends to use the foreign article for training medical students to differentiate between various sounds of the heart and chest. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that it knows of no similar instrument or apparatus being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign

article for such purposes as this article is intended to be used.

EDWARD G. SMITH,
Director Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 69-9334; Filed, Aug. 7, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21146; Order 69-8-11]

AIR SOUTH, INC.

Order To Show Cause

Issued under delegated authority August 4, 1969.

Air South, Inc. (Air South), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-8-10, August 4, 1969, the Board approved Agreement CAB 20964 between Eastern Air Lines, Inc. (Eastern), and Air South. This agreement contemplates that Air South will discharge Eastern's certificate obligation to serve Bowling Green, Ky., through the operation of small aircraft between Bowling Green and both Louisville, Ky., and Nashville, Tenn.

No service mail rate is currently in effect for this service by Air South. By petition filed July 1, 1969, Air South requested the establishment of final service mail rates for the transportation of priority and nonpriority mail by air between Bowling Green and both Louisville, Ky., and Nashville, Tenn. Air South requests that the multielement rates established in Orders E-25610 and E-17255, which provided for payments to Eastern, be made applicable to this route. On July 11, 1969, the Postmaster General filed an answer in support of Air South's petition.[1]

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

An open-rate situation has existed for the air transportation of nonpriority mail since April 6, 1967, when the Post Office petitioned for new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Eastern) for the transportation of nonpriority mail, established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Air South receive the same compensation as Eastern for the same services, we propose to establish a temporary service rate for nonpriority mail for Air South at the level established in Order E-17255, as amended. By Order 69-6-171, issued June 30, 1969 in Docket 21117, Air South has already been made a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

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

1. The fair and reasonable final service mail rates to be paid on and after August 4, 1969, to Air South, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Bowling Green and both Louisville, Ky., and Nashville, Tenn., shall be the rates established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid on and after August 4, 1969, to Air South, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Bowling Green and both Louisville, Ky., and Nashville, Tenn., shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

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

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

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

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

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

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

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

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9363; Filed, Aug. 7, 1969; 8:49 a.m.]

[Docket No. 19973; Order 69-8-17]

CONTINENTAL AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of August 1969.

By Orders E-26466 and E-26687, Continental Air Lines, Inc. (Continental), was granted exemption authority to engage in the transportation of persons, property, and mail pursuant to the terms of a Franchise Agreement entered into with the Government of the Trust Territory of the Pacific Islands. Under those orders and subject to the restrictions stated therein, Continental was authorized to provide services between points in the Trust Territory and between Honolulu, Johnston Island, the Trust Territory, Guam, and Okinawa.

On June 21, 1968, Continental filed a petition requesting that service mail

[1] The present rates are as follows: Priority mail by air: 24 cents per ton-mile plus 9.36 cents per pound at Bowling Green and 2.34 cents per pound at both Louisville and Nashville. Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Bowling Green and 1.66 cents per pound at both Louisville and Nashville.

[2] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions for Board review will be applicable to any final action in this matter taken by the staff under authority delegated in § 385.14(g).

rates be set for these Pacific services. Continental and the Post Office Department (POD) were in agreement that the transpacific rates established by Orders 68–9–8 and 68–9–9 should be made applicable for the transportation of mail between Honolulu, Guam, and Okinawa. Mail rates for service to these points were so established by Order 68–10–167, October 29, 1968. However, with respect to services involving Johnston Island and points in the Trust Territory, Continental and POD had widely divergent views as to the level of the rates. Continental initially requested a rate of $1.99 per ton-mile. POD opposed the rate on the ground the carrier had not supplied any economic data to justify the rate and alternatively proposed that the domestic service multielement rate be made applicable to Continental's Trust Territory operations.

On June 6, 1969, Continental amended its original petition and now seeks to be compensated at a rate of $1.07 per ton-mile for the period May 16, 1968, through December 31, 1968,[1] and $1 per ton-mile on and after January 1, 1969. Continental states that the changes in the requested rate level came about because the original petition was filed at a time when it had just recently inaugurated the service and the operating costs were forecast without the benefit of any postoperating experience. Operations under the Franchise Agreement have now been in effect for over a year, and the rates now requested are based on experienced data. Continental submits that on the basis of actual experience it feels the requested rates are fair and reasonable and understands that the Post Office Department also considers them to be so. The Post Office Department has not responded to the amended petition filed by Continental.

In connection with the Trust Territory operations, Continental utilizes a B–727, a DC–6B, and two SA–16 Grumman Albatross flying boats which are 20 years old. The DC–6B and SA–16's are needed to serve points where the jet cannot operate because of airport limitations or the primitive facilities that exist on some of the more remote islands. There are no night operations, and on many flights the crew includes a maintenance superintendent who carries along a maintenance kit which includes spare parts.

The cost data submitted by Continental indicate a mail cost of $1.18 per ton-mile for the May 16 to December 31, 1968, with a forecast cost of $1.07 for future operations.[2] While the experienced and forecast costs computed by Continental are somewhat higher than the rates requested, the Board recognizes that the rates appear to be acceptable to the parties. Also, it is our judgment that the rate is well within the zone of reasonableness on the basis of all the considerations involved. As we have previously noted, costing the mail does not lend itself to mathematical precision, and this would be especially true in the instant case in view of the limited services involved and the unique conditions under which the carrier is operating.

The rates proposed are to be computed on the basis of standard mileages to be tabulated by POD and Continental. These mileages will be submitted to the Board at a future time and will be effectuated by means of a supplemental order.

Under the foregoing circumstances the Board has determined to grant Continental's petition as amended. Therefore, the Board proposes to issue an order to include the following findings and conclusions:

(1) The fair and reasonable rates of compensation to be paid Continental Air Lines, Inc., for transportation of mail by aircraft between Honolulu, Guam, and Okinawa, on the one hand, and Johnston Island and the Trust Territory, on the other hand, and between Johnston Island and the Trust Territory, and within the Trust Territory, the facilities used and useful therefor, and the services connected therewith, are as follows:

(a) For the period May 16, 1968, through December 31, 1968, a rate of $1.07 per ton-mile, which rate shall be applied in accordance with the terms and conditions set forth below:

(b) For the period on and after January 1, 1969, a rate of $1 per ton-mile, which rate shall be applied in accordance with the terms and conditions set forth below:

Mail ton-miles. The mail ton-miles for each shipment of mail shall be based upon the standard mileage established herein for service between the points of origin and destination of each shipment.[3]

Standard mileage. The standard mileage for each pair of points shall be as set forth in the appendix to this order.[4]

Changes in standard mileage. The standard mileages set forth in the appendix to this order shall remain in effect throughout the period this rate order is is in effect, provided, however, that at any time the Board may institute a proceeding, and Continental Air Lines, Inc., and/or the Postmaster General, may make application to the Board for establishment of standard mileages to a new point: *And provided further, however,* That once each fiscal year the Board may institute a proceeding and Continental Air Lines, Inc., and/or the Postmaster General may make application to the Board for revision of any standard mileage effective July 1 of such fiscal year. Such applications will not be regarded as reopening the rate. Applications provided for above shall be clearly entitled "Application for (New) (Revised) Standard Mileage", shall contain a clear and concise statement of the requested standard mileage or standard mileage revision and the facts upon which such request is based, and shall in all other respects conform to the applicable requirements of the rules of practice.

In establishing standard mileages to a new point, the Board will consider the routings of flights to such point and the number of flights required by the postal service. In establishing revised standard mileages, the Board will consider the effect of changes in airport location, mail flow, and flight routings reflected in the carrier's general schedules during the first 7 days of the month immediately preceding the July 1 effective date of such revision.

Origin and destination of mail shipments. As used herein "point of origin" means the point at which the carrier first enplanes the mail shipment after receipt thereof from a Postal Administration or its representatives, from another ratemaking division of the same carrier, the operations of which division are not encompassed herein, or from another carrier; and "point of destination" means the point at which the carrier deplanes the mail shipment for delivery to a Postal Administration or its representatives, to a separate ratemaking division of the same carrier, the operations of which division are not encompassed herein, or to another carrier.

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

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

It is ordered, That:

1. All interested persons and particularly Continental Air Lines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above.

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

3. If notice of objection is not filed within 10 days, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein.

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

[1] This date appears in the amendment as Dec. 13, 1968, but the carrier has informally advised the Board that this was due to a typographical error.

[2] Adjusting for certain nonrevenue Trust Territory operations reduces these mail costs by approximately 1 cent per revenue ton-mile.

[3] No tabulation of standard mileages is being attached to this order when initially issued. An appendix establishing standard mileages will be published in a supplemental order.

[4] See footnote 3 supra.

5. This order shall be served upon Continental Air Lines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-9364; Filed, Aug. 7, 1969; 8:49 a.m.]

[Docket No. 21109; Order 69-8-18]

DELTA AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of August 1969.

On June 23, 1969, Delta Air Lines, Inc. (Delta), filed an application, Docket 21108, for an amendment of its certificate of public convenience and necessity for route 54 so as to remove condition (4)[1] therefrom. Simultaneously, Delta filed a petition, Docket 21109, for the issuance of an order to show cause why Delta's certificate should not be amended as requested, or in the alternative that the Board issue an order pursuant to section 416 of the Act, exempting Delta from the requirements of section 401 and condition (4) of Delta's certificate for route 54, pending decision on permanent removal of the condition. Answers supporting Delta's application were filed by the city of Knoxville, the Greater Knoxville Chamber of Commerce, and the Greater Chattanooga Chamber of Commerce.

Upon consideration of the pleadings and all the relevant facts, we have decided to grant Delta's request for an order to show cause, and we tentatively find and conclude that the public convenience and necessity require the deletion of condition (4) from the certificate of Delta Air Lines, Inc.

In support of our ultimate finding, we tentatively find and conclude as follows: That Delta presently routes aircraft between Chattanooga and Knoxville; that condition (4) prohibits Delta from carrying local Chattanooga-Knoxville traffic on these flights; that the deletion of condition (4) should provide appreciable benefits for the traveling public by enabling local Chattanooga-Knoxville traffic to utilize all flights between the two cities; and that these benefits are obtainable without subjecting other carriers to a significant amount of revenue diversion.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Delta Air Lines' certificate of public convenience and necessity for route 54 by deleting condition (4) thereof;

2. Any interested person having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein, shall, within 20 days after service of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. All motions and/or petitions for reconsideration shall be filed within the period for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. That except to the extent otherwise granted herein, Delta's application in Docket 21109, be and it hereby is denied.

6. A copy of this order shall be served upon the city of Knoxville, Tenn., the city of Chattanooga, Tenn., Delta Air Lines, Inc., Southern Airways, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-9366; Filed, Aug. 7, 1969; 8:49 a.m.]

[Docket No. 21141; Order 69-8-19]

EASTERN AIR LINES, INC.

Order Providing for Further Proceedings in Accordance With Expedited Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of August 1969.

On June 30, 1969, Eastern Air Lines, Inc., (Eastern), filed an application, pursuant to Subpart N of Part 302 of the Board's procedural regulations, for amendment of its certificate of public convenience and necessity for Syracuse-Atlanta/Tampa/Miami nonstop authority. No requests for dismissal have been filed.

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

Accordingly, it is ordered, That:

1. The application of Eastern Air Lines, Inc., Docket 21141, be and it hereby is set for further proceedings pursuant to Rules 1406–1410 of the Board's procedural regulations; and

2. This order shall be served upon all parties served by Eastern Air Lines, Inc., in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-9365; Filed, Aug. 7, 1969; 8:49 a.m.]

[Docket No. 20781]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Notice of Hearing

IATA agreements relating to transatlantic fares.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on September 3, 1969, at 10:00 a.m., e.d.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 4, 1969.

[SEAL] ARTHUR S. PRESENT, *Hearing Examiner.*

[F.R. Doc. 69-9367; Filed Aug. 7, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18610; FCC 69-821]

MANATEE CABLEVISION, INC., ET AL.

Memorandum Opinion and Order and Order To Show Cause Designating Matter for Hearing

In the matter of petition by Manatee Cablevision, Inc., to stay construction

[1] Condition (4) prohibits Delta from engaging in local air transportation between Chattanooga and Knoxville, Tenn.

and operation of CATV distribution facilities in Manatee County, Fla., by General Telephone System, General Telephone Company of Florida, and GT&E Communications, Inc.; Docket No. 18610.

1. Manatee Cablevision, Inc. (Manatee Cablevision), holder of a nonexclusive franchise to provide CATV service in Manatee County, Fla., has petitioned the Commission to take any necessary action to enforce compliance by the General Telephone System (General) and particularly General Telephone Company of Florida (General of Florida) with our partial stay order in Docket No. 17333.[1] It is alleged that General and its affiliates, including GT&E Communications, Inc. (GTEC), in constructing and rapidly expanding construction of CATV distribution facilities in Manatee County, have engaged in anticompetitive practices, acted to circumvent section 214 of the Communications Act, and violated our partial stay order in Docket No. 17333. Manatee Cablevision requests the immediate issuance of an order which would prohibit General of Florida and GTEC from constructing or placing into operation any CATV distribution facilities in Manatee County and which would direct them to show cause why they should not cease and desist from construction, operation and offering of CATV facilities to Manatee County.

2. General argues, in its opposition, filed April 16, 1969, that our cease and desist order in Docket No. 17333 did not apply to General of Florida because it was not a respondent to the proceeding at the time. General alleges that General of Florida has not constructed any CATV facilities requiring section 214 certification, has not received any requests for CATV service under its Wide Spectrum Service Tariff FCC No. 1, and does not own and has not constructed any CATV facilities in its operating territories. GTEC contends that section 214 applies only to construction by a carrier, that it is only incidentally an affiliate of General of Florida, and that General of Florida has no control, directly or indirectly, over the construction, operations or management of GTEC.

3. In our letter of June 18, 1969, we requested certain information of General and General of Florida relating to GTEC's CATV activities in Manatee County. In its response, General and General of Florida stated that on January 8, 1969, GTEC acquired substantially all of the assets of Sarasota Cablevision, Inc., an operating CATV system in Bradenton, Fla., and in a portion of the county of Manatee, and holder of a nonexclusive franchise for Manatee County. On June 3, 1969, GTEC commenced furnishing CATV service to Cosa Loma Trailer Park in Manatee County. GTEC states that it operates in Manatee County as assignee of rights granted under pole attachment agreements by General of Florida and Florida Power and Light Co. to Sarasota Cablevision, Inc., and to its predecessor, Bradenton Cablevision.

4. Manatee Cablevision states that it:

> has repeatedly but unsuccessfully sought a pole attachment agreement with Florida Power and Light and was promised such an agreement by General of Florida but was rebuffed when it sought to finalize the agreement (after GTEC had purchased the rival CATV system) * * * [and] that General has used the monopoly power of General of Florida to foster a second monopoly for GTEC and to achieve this end has engaged in a subterfuge designed to escape the certification requirements of sec. 214 of the Communications Act.[2]

Manatee Cablevision further alleges that General and Florida Power and Light Co. jointly use the local utility poles, that both have granted pole attachment rights to GTEC, that both have refused to entertain Manatee Cablevision's prior and continuing request for pole attachment, and that "the parallel discriminatory actions" of these local utilities raise "a strong inference of serious misconduct."[3]

5. By letter dated July 7, 1969, and signed by its Chief of the Common Carrier Bureau, the Commission advised the attorneys for General and General of Florida that this matter was under active consideration and directed their attention to our orders in Docket No. 18538 in which General's operating telephone company in Illinois and GTEC were ordered to refrain from placing into operation any CATV distribution facilities in Bloomington or Normal, Ill., pending resolution of the issues raised therein, which are similar, if not substantially the same, as those raised by Manatee Cablevision here. General of Florida and GTEC were specifically placed on notice and cautioned that any construction of CATV distribution facilities which either of them undertook would be at the risk of later Commission action on the pleadings herein.

6. Our decision in General Telephone Company of California, et al., 13 FCC 2d 448 (1968) held that section 214 of the Communications Act is applicable to the construction and operation of CATV channel distribution facilities by a common carrier. Such section 214 certification is required prior to construction and operation of such facilities even though the carrier had been previously classified as a connecting carrier pursuant to section 2(b)(2) of the Act (13 FCC 2d at 460–461). All carriers are bound by such holding whether or not they were a respondent in the proceeding in Docket No. 17333. See Ashtabula Cable TV, Inc., et al., 17 FCC 2d 113. Under the Commission's published interim procedures applicable to applications for certification of public convenience and necessity under section 214 of CATV distribution facilities,[4] a carrier must obtain such certification before constructing such facilities. We find no merit in General's argument that General of Florida is not bound by our Decision in Docket No. 17333.

7. The pleadings before us raise substantial questions of fact and law concerning the actions of a carrier which is holding itself out to provide service that is subject to section 214 of the Act and the actions of an affiliated CATV company. A question is raised whether our decision in Docket No. 17333 is being undermined by the construction of CATV channel distribution facilities without prior certification pursuant to section 214 of the Act. As we stated in TeleCable Corp., 17 FCC 2d 517 (1969), a further question is raised by the alleged actions of a local telephone company, under the mantle of its exclusive franchise, attempting to deny entry into the CATV field by refusing to make pole attachment agreements with independent operators while at the same time permitting a wholly owned subsidiary of its parent corporation to enter the CATV field through pole attachment agreements with a local utility which jointly uses such poles with the local telephone company. Just as there, a substantial question is here raised whether the primary thrust of the local telephone company's actions is to retain to itself complete ownership and control of CATV distribution facilities within the community and to reject, directly or indirectly, attempts by independent CATV operators to own, construct, or operate their own distribution facilities through appropriate pole attachment arrangements. We have already said that, if demonstrated, such activities "would substantially lessen competition or restrain commerce or unlawfully create a monopoly" (17 FCC 2d at 518).

8. Also of concern is the charge of possible conspiracy or unlawful parallel discriminatory actions by the local telephone company and the local power and light company, and whether any such unlawful actions were the result of agreement or conscious parallelism.

9. In view of the foregoing, the Commission is of the view that this matter should be designated for hearing on issues as specified below. We find that due and timely execution of our functions imperatively and unavoidably require that the record in this matter be

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[1] The Commission has under consideration its decision and partial stay order in Docket No. 17333, General Telephone Company of California et al., 13 FCC 2d 448 (1968) and 14 FCC 2d 170 (1968), respectively; "Petition for Enforcement of Cease and Desist Order" filed by Manatee Cablevision on Apr. 2, 1969; an opposition thereto filed by General on Apr. 16, 1969; a reply filed by Manatee Cablevision on Apr. 28, 1969; our letter of June 18, 1969, to General and General of Florida; a "Petition for Immediate Issuance, Ex Parte of Stay Order" filed by Manatee Cablevision on June 24, 1969; an opposition thereto by GTEC on June 30, 1969; a response to our letter of June 18, 1969, filed by General and General of Florida on July 3, 1969; a letter dated July 7, 1969, to General and General of Florida signed by the Chief of the Commission's Common Carrier Bureau; and "Comments on Letter Response of General Telephone System and General Telephone of Florida and Supplement to Petition for Immediate Issuance, Ex Parte, of Stay Order" filed by Manatee Cablevision on July 9, 1969.

[2] Comments on letter response of General filed July 9, 1969.

[3] 33 F.R. 11559.

certified immediately to the Commission for final decision. Expedition also requires that the parties file their proposed findings and conclusions and any accompanying briefs within 20 calendar days after the date the record is closed, and that any reply findings be filed within 15 calendar days thereafter.

10. Further, it appears that General and GTEC are presently constructing additional CATV facilities in Manatee County and that there is a reasonable likelihood that CATV service will be commenced before a decision is issued in this case unless we grant Manatee Cablevision's request for a stay order. We see no reason to await that eventuality but are convinced that the public interest requires the issuance of an order prohibiting GTEC from commencing CATV operations until the issues designated in this proceeding are resolved or until further order of the Commission.

11. *Accordingly, it is ordered,* That pursuant to sections 4 (i) and (j), 208, 214, 218, 312 (b) and (c), 403, 409(a), and 411(a) of the Communications Act of 1934, as amended, the above captioned matter is hereby designated for hearing at the Commission's offices in Washington, D.C., on a date and before an Examiner to be specified in a subsequent order on the following issues:

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

(1) The negotiations and discussions for pole attachment agreements by and between Manatee Cablevision on the one hand and General of Florida and Florida Power and Light Co. on the other hand;

(2) The negotiations and discussions for pole attachment agreements by and between GTEC and its predecessors on the one hand and General of Florida and Florida Power and Light Co. on the other hand;

(3) The policies and practices of General of Florida and Florida Power and Light Co., including any agreement, arrangement or understanding express or implied between them, relating to the use of utility poles by CATV system;

(4) The relationship among General Telephone and Electronics Corp., General of Florida, GTEC, and Florida Power and Light Co.;

(5) The present and proposed plans or actions of GTEC and/or General of Florida with respect to the construction and operation of CATV distribution facilities in Manatee County, Fla.;

(6) The acquisition of CATV systems in Manatee County by GTEC;

(b) To determine whether in view of the relationship among General Telephone and Electronics Corp., General of Florida, and GTEC and the Florida Power and Light Co., and the evidence adduced pursuant to issue (a) above, the proposed actions by GTEC and General of Florida are such as to require prior certification by the Commission under section 214(a) of the Communications Act;

(c) To determine whether the actions of General of Florida, GTEC, and General Telephone and Electronics Corp. acting alone or in concert with others vis-a-vis Manatee Cablevision are anticompetitive and monopolistic in nature, in contravention of the Communications Act or otherwise contrary to the public interest; and

(d) To determine whether in light of the foregoing any other action should be taken by the Commission and the nature thereof.

12. *It is further ordered,* That General Telephone and Electronics Corp., General Telephone Company of Florida, GT&E Communications, Inc., Manatee Cablevision, Inc., Florida Power and Light Co., the Chief, Common Carrier Bureau, and the Chief, CATV Task Force, are made parties to the proceeding.

13. *It is further ordered,* That the burden of proof on issues (a)(1), (b), and (c) is on Manatee Cablevision, Inc.; the burden of proof on issues (a) (2) and (3) is on General Telephone Company of Florida and Florida Power and Light Co.; and the burden of proof on issues (a) (4), (5) and (6) is on General Telephone and Electronics Corp., General Telephone Company of Florida, and GT&E Communications, Inc.

14. *It is further ordered,* That General Telephone and Electronics Corp., General Telephone Company of Florida, and GT&E Communications, Inc. (Respondents) are directed to show cause why they jointly or separately should not be ordered to cease and desist from the further construction of any facilities for the purpose of providing channel service to CATV systems in Manatee County, Fla., until an application for a certificate of public convenience and necessity for such construction has been filed and approval thereof is obtained from the Commission.

15. *It is further ordered,* That Respondents are directed to show cause why they jointly or separately should not be ordered to cease and desist from the operation of any CATV channel distribution facilities in Manatee County which were not completed and in operation on June 26, 1968.

16. *It is further ordered,* That Respondents are prohibited from placing into operation any CATV distribution facilities in Manatee County pending resolution of the issues designated for hearing hearin, or until the public convenience and necessity for such facilities is certified by the Commission, whichever first occurs.

17. *It is further ordered,* That Respondents are directed to appear and give evidence with respect to the matters described herein at the hearing ordered herein, unless the hearing is waived, in which event a written statement may be submitted within 30 days of the release of this order.

18. *It is further ordered,* That upon closing of the record, it shall be certified immediately to the Commission for final decision, and that the parties hereto shall file proposed findings of fact and conclusions and any accompanying briefs within 20 calendar days after the record is closed, and that any reply findings be filed within 15 calendar days thereafter.

19. *It is further ordered,* That the petitions filed herein by Manatee Cablevision, Inc., are granted to the extent reflected herein, and otherwise are denied.

20. *It is further ordered,* That the Secretary of the Commission shall send copies of this order by certified mail, return receipt requested, to Respondents.

21. *It is further ordered,* That to avail themselves of the opportunity for hearing herein provided, Respondents shall file their appearance in accordance with § 1.91(c) of the Commission's rules.

Adopted: July 29, 1969.

Released: August 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9373; Filed, Aug. 7, 1969; 8:49 a.m.]

[Supp. 15]

CANADIAN-U.S.A. VHF TELEVISION BROADCAST STATIONS

Allocation of Stations

AUGUST 4, 1969.

Amendment of Table A of the 1961 Working Arrangement for Allocation of VHF Television Broadcast Stations under the Canadian-U.S.A. Television Agreement of 1952.

Pursuant to an exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A, Annex 1 of the Television Working Arrangement under the Canadian-U.S.A. Television Agreement has been amended as follows:

City	Channel No.	
	Delete	Add
*		
Moncton, New Brunswick		7
New Glasgow, Nova Scotia	7	12(L)*
Yarmouth, Nova Scotia		3-(L)**

*Limitation to protect CBFCT-1, Magdalen Islands, Quebec.
**Limitation to protect CBHT, Halifax, Nova Scotia.

Further amendments to Table A will be issued as public notices in the form of numbered supplements.

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

[F.R. Doc. 69-9374; Filed, Aug. 7, 1969; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 934]

BENNETT FORWARDING CO.

Order of Revocation

By letter dated July 23, 1969, Mr. J. E. Bennett advised the Federal Maritime

[4] Commissioner Robert E. Lee absent.

Commission that the independent ocean freight forwarding business of Bennett Forwarding Co., Houston, Tex., was terminated November 1, 1968, and that its surety bond was allowed to expire effective July 16, 1969.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 934 of J. E. Bennett, doing business as Bennett Forwarding Co. be and is hereby revoked effective July 16, 1969, and that said license be returned to the Commission for cancellation.

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

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

[F.R. Doc. 69-9376; Filed, Aug. 7, 1969; 8:50 a.m.]

CALIFORNIA/JAPAN COTTON POOL

Notice of Agreement Filed

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

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

Notice of agreement filed by:

Mr. W. C. Galloway, Chairman, California/Japan Cotton Pool, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement No. 8882-5 is an arrangement between the American and Japanese flag carriers of the Pacific Westbound Conference which pools and apportions the cotton carried by those lines in the trade from California to Japan according to the terms and conditions therein.

The subject modification would change the annual "pool" or accounting period from the present July 1 through June 30 of the following year to August 1 through July 31 of the following year.

The modification also reflects that the States Marine Lines joint service of Global Bulk Transport Inc., States Marine Lines, Inc., and Isthmian Lines, Inc., is entitled to participate in this arrangement as "one member only".

Dated: August 5, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9377; Filed, Aug. 7, 1969; 8:50 a.m.]

CENTRAL GULF STEAMSHIP CORP. AND GENERAL MARITIME CORP.

Notice of Agreement Filed

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

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

Notice of agreement filed by:

Ronald A. Capone, Esquire, Kirlin, Campbell and Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 9620-2, between Central Gulf Steamship Corp. and General Maritime Corp. provides for modification of the basic agreement, which is a cooperative working arrangement and rate agreement, by the deletion therefrom of (1) language in Article 3, pertaining to the filing of reports with the Commission relating to matters considered resulting in final action, and (2) Article 6, paragraph (e), in its entirety, pertaining to the filing of semiannual self-policing reports. The Commission's General Order 18, Amendment 4, and General Order 7, Amendment 3, effective June 7, 1969, relieve two party rate-fixing agreements from these filing requirements.

Dated: August 5, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9378; Filed, Aug. 7, 1969; 8:50 a.m.]

LORETZ & CO. AND LORETZ & CO., INC.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Ronald J. Offenkrantz, Spitzer and Feldman, 595 Madison Avenue, New York, N.Y. 10022.

Agreement No. FF 69-6 between Loretz & Co., a California corporation, and Loretz & Co., Inc., a Delaware corporation, provides for the acquisition of Loretz & Co. by Loretz & Co., Inc., through the merger of Loretz & Co. into Loretz & Co., Inc., as the surviving corporation. The identity, existence, purposes, powers, franchise, rights, and immunities of Loretz & Co., as the terminating corporation, would be fully vested and continue unaffected in Loretz & Co., Inc., under the laws of the State of Delaware.

Loretz & Co. holds Federal Maritime Commission License No. 213 to operate as an independent ocean freight forwarder. Loretz & Co., Inc., is a wholly owned subsidiary of Trans-Air Freight System, Inc., a New York corporation, which holds Federal Maritime Commission License No. 907. Trans-Air Freight System, Inc., also is sole owner of Wolf & Gerber, Inc., a New York corporation, holder of Federal Maritime Commission License No. 513.

To effectuate the merger of Loretz & Co. into Loretz & Co., Inc., each shareholder of Loretz & Co. would receive, in exchange for his holding in that corporation, the amount of cash and/or shares of common stock of Trans-Air Freight System, Inc., set forth in the agreement. All Loretz & Co. shares of stock would be canceled by the surviving corporation.

Dated: August 5, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9379; Filed, Aug. 7, 1969; 8:50 a.m.]

PORT OF SEATTLE AND JAPAN LINE, LTD., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

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

Notice of agreement filed for approval by:

Mr. T. P. McCutchan, Manager, Property Management Department, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-2323 between the Port of Seattle (Port) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Showa Shipping Co., Ltd., and Yamashita-Shinnihon Steamship Co., Ltd. (Carriers), is a 3-year preferential use agreement, with extension options, of terminal facilities on Harbor Island, Seattle, Wash. The premises and facilities will be used primarily for the handling of container vessels and cargo. During the period required by the Port for construction of improvements and berth facilities, the Carriers will have the temporary preferential right to use other berths and property as described and at rental terms set forth in the agreement. In addition to the leased area, the agreement provides options for the preferential use and occupancy of other acreage as described. The Carriers are also granted the first right of refusal for preferential occupancy and use of all or any portion of the leased area, including the option areas. Subject to agreement and penalty charges the Carriers may cancel the agreement at any time following the end of the first year. As compensation for use of the facility the Carriers will pay the Port $200,000 for the first year of operation under the agreement; thereafter the rental will be a fixed annual sum of $225,000 or, if the Carriers so elect, payment of all applicable tariff charges with a minimum payment of $185,000 and a maximum payment of $240,000 per year. Should the Carriers exercise their option to preferentially occupy and use any additional property covered by the agreement, or should additional facilities be furnished, rental will be adjusted accordingly. In computing the minimum and maximum compensation, the Carriers will be entitled to a credit each month in the amount of all revenue received by the Port from vessels and/or cargo handled by or on behalf of secondary users of the facility, as well as from any ships owned, operated, or chartered by any of the individual Carriers. Whenever any of the Carriers assess wharfage or other terminal charges against cargo, such assessed charges shall be the same as those provided for in the Port's applicable terminal tariff. If there is no applicable Port terminal tariff covering such charges, the Carriers may assess such charges pursuant to their own tariff, and may retain any amount collected against cargo. In the event the Carriers shall cease to engage in containerized cargo operations in all ports in Washington and Oregon, they have the right to cancel the agreement upon proper notification to the Port. Any use of the premises prior to the effective date of the agreement shall be subject to all applicable provisions of the Port's terminal tariff.

Dated: August 5, 1969.

By order of the Federal Maritime Commission:

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9380; Filed, Aug. 7, 1969; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2553]

AGASSIZ MINES, LTD.

Notice of Filing of Application for Order Exempting Transaction

AUGUST 4, 1969.

Notice is hereby given that Agassiz Mines, Ltd. ("Agassiz"), a Canadian corporation, 159 Bay Street, Suite 715, Toronto 116, Canada, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act a sale of its securities to Value Line Special Situations Fund, Inc. ("Value Line"), a registered open-end, diversified, management investment company under the Act, and a company of which Agassiz is an affiliated person as that term is defined in section 2(a)(3) of the Act. All interested persons are referred to the application on file with the Commission for a statement of Agassiz's representations which are summarized below.

On August 19, 1968, pursuant to an agreement of sale, Value Line acquired 400,000 shares of Agassiz's common stock, constituting approximately 10 percent of the total of Agassiz's stock then issued and outstanding. By virtue of said transaction Agassiz and Value Line became "affiliated persons" of each other as that term is defined in section 2(a)(3) of the Act.

Value Line was also given a preemptive right to acquire additional shares of Agassiz to the extent required to maintain its proportionate ownership in Agassiz's equity capital in the event that further authorized but then unissued shares of Agassiz were sold. In addition to defining the rights involved, including, by reference, the right to registration under the Securities Act of 1933, the agreement of sale also set forth the mechanics for subsequent purchases and formulas for determining the purchase price of such additional shares. The agreement also provided that if Value Line were to purchase additional shares of Agassiz pursuant to a share allotment request, Agassiz would apply to the Commission for exemption from section 17(a) of the Act with respect to such purchases.

On or about April 28, 1969, Agassiz notified Value Line of the issuance of an additional 150,000 shares of its common stock which would bring the total number of shares of its common stock outstanding to 4,716,667. Said notice also requested that Value Line exercise its rights under the agreement to purchase additional shares.

Thereafter, on May 8, 1969, Value Line notified Agassiz of its share allotment request for an additional 79,500 shares of Agassiz's common stock, subject to the granting of the exemption herein applied for, at the price determined in accordance with the applicable formula. The formula in the agreement provided that Value Line would be able to purchase the additional shares at a 25 percent discount from the closing price of Agassiz shares on the day prior to the share allotment request, i.e., May 7, 1969. In accordance with this formula Value Line will pay Can. $0.6525 for each additional share. The total price to be paid for the shares by Value Line is Can. $51,873.75. Upon the issuance of said shares in accordance with the share allotment request, there will be a total of 4,796,167 shares of Agassiz's common stock issued and outstanding of which Value Line will be the owner of 479,500 shares, or 9.998 percent of the total of issued and outstanding stock.

With certain exceptions, section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to, or purchasing from, such company any security or other property, unless the Commission finds, upon application under section 17(b) of the Act, that the terms of the proposed transaction are reasonable and fair and do not involve overreaching and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Agassiz contends that its application for an exemption should be granted because the formula for computing the purchase price was the subject of arms-length bargaining at a time when there was no affiliate relationship between Value Line and Agassiz, and that the discount at which Value Line is purchasing the shares is justified since if Agassiz tried to raise this money by borrowing or selling such a large block of shares on the stock exchange, the net amount realized by it would probably be less than the amount it will receive from Value

Line. Moreover, the application states that by purchasing the additional Agassiz shares, Value Line will preserve its percentage ownership in Agassiz and Agassiz will use the additional capital to advance its development program.

Notice is further given that any interested person may, not later than August 26, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9347; Filed, Aug. 7, 1969; 8:48 a.m.]

[File No. 7-3162, etc.]

ATLANTIC RICHFIELD CO. AND AIRLIFT INTERNATIONAL, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 4, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the preferred stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Atlantic Richfield Co., $2.80 cumulative convertible preference stock, $1 par value	7-3162
Airlift International, Inc., 6½ percent debentures, due 1986	7-3164
Airlift International, Inc., 5¾ percent debentures, due 1987	7-3165

Upon receipt of a request, on or before August 19, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9348; Filed, Aug. 7, 1969; 8:48 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

AUGUST 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Rajac Industries, Inc., a New York corporation, 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 is summarily suspended, this order to be effective for the period August 5, 1969, through August 14, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9349; Filed, Aug. 7, 1969; 8:48 a.m.]

[File No. 7-3168]

RAPID-AMERICAN CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 4, 1969.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Rapid-American Corp., common stock purchase warrants, File No. 7-3168.

Upon receipt of a request, on or before August 19, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9350; Filed, Aug. 7, 1969; 8:48 a.m.]

[File No. 7-3159]

RAPID-AMERICAN CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 4, 1969.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Rapid-American Corp., File No. 7-3159.

Upon receipt of a request, on or before August 19, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified.

If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-9351; Filed, Aug. 7, 1969; 8:48 a.m.]

[File No. 7-3160]

RAPID-AMERICAN CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 4, 1969.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Rapid-American Corp., common stock purchase warrants, File No. 7-3160.

Upon receipt of a request, on or before August 19, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-9352; Filed, Aug. 7, 1969; 8:48 a.m.]

[File Nos. 7-3161, 7-3163]

SWIFT & CO. AND INTERNATIONAL INDUSTRIES, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 4, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Swift & Co. (Delaware)	7-3161
International Industries, Inc. (Delaware)	7-3163

Upon receipt of a request, on or before August 19, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-9353; Filed, Aug. 7, 1969; 8:48 a.m.]

[File Nos. 7-3166; 7-3167]

SWIFT & CO. AND RAPID-AMERICAN CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 4, 1969.

In the matter of applications of the Pacific Coast Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Swift & Co. (Delaware)	7-3166
Rapid-American Corp	7-3167

Upon receipt of a request, on or before August 19, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-9354; Filed, Aug. 7, 1969; 8:48 a.m.]

TARIFF COMMISSION

[AA1921-56]

CONCORD GRAPES FROM CANADA

Determination of No Injury or Likelihood Thereof

AUGUST 5, 1969.

On May 5, 1969, the Tariff Commission was advised by the Assistant Secretary of the Treasury that Concord grapes imported from Canada are being, and are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-56 to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on June 24 and 25, 1969. Notice of the investigation and hearing was published in the FEDERAL REGISTER (34 F.R. 7594).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, all testimony adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission[1] has determined that an industry in the United States is not being,

[1] Commissioner Newsom did not participate in the investigation since, while he served as Master of the National Grange, that organization took a position concerning the importation of Concord grapes from Canada.

and is not likely to be, injured, or prevented from being established, by reason of the importation of Concord grapes from Canada sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

Views of Chairman Sutton and Commissioner Thunberg. Canadian Concord grapes have been marketed for many years under a system which maintains relatively high price levels for that portion of the crop sold to licensed processors in Canada. The remainder of the Canadian crop is sold domestically or exported at prices which are generally lower. For many years grape processors in the United States have encouraged the Canadian growers to export Concord grapes to them for use as supplemental supplies, particularly in years of short crops. Traditionally, the grape growers in Canada and the United States have worked together and cooperated in the advancement of their horticultural and marketing practices in connection with Concord grapes. Only in the last few years have the U.S. crops reached a volume threatening to exceed normal requirements. In the key year under consideration, 1967, imports of Concord grapes from Canada equaled 2.3 percent of U.S. production of such grapes.

In 1967 the United States had the largest crop of Concord grapes in history. Concurrent with the start of the harvest of the crop, the complainant requested this dumping proceeding. As an outgrowth of that complaint, the Treasury Department advised the Tariff Commission on May 5, 1969, that Canadian Concord grapes sold at less than fair value (LTFV) were being, and were likely to be, imported into the United States. Treasury files furnished to the Commission show that a large portion (but not all) of the 1967 imports were sold at LTFV. The amounts of the price differentials between fair value and export prices were variable, some being minor in relation to the price obtained in the United States for such grapes. No imports during 1968 were reported sold at LTFV. In the circumstances, we deemed 1967 as the year for which the question of injury was most relevant and focused our study on the impact of LTFV imports in 1967 to determine whether injury occurred within the meaning of the Antidumping Act, 1921, as amended.

Virtually all imported Concord grapes enter the United States at Buffalo, N.Y., and Detroit and Port Huron, Mich. The major Concord grape growing centers are located near the Great Lakes in the United States and Canada and in the State of Washington.

Concord grapes are virtually all consumed by wineries or by processors who make juice. A brief discussion of the systems by which each of these two categories of grape users secure grapes and of the competitive conditions under which the domestic and imported grapes were sold is pertinent to an evaluation of the effect of imports in this case.

About 7 percent of all Concord grapes are processed by wineries directly into wine. The wineries traditionally buy Concord grapes for cash from growers in the vicinity of the wineries at premium prices designed to reward the growers for planting other varieties of grapes which are commercially more essential to the wine industry. These premium prices generally exceed the average cash prices paid for Concord grapes by processors of grape juice. In 1967 these wineries obtained only 1 percent of their supplies of Concord grapes from Canada. They paid premium prices for domestic Concords to maintain assurances of their suppliers' delivery or other grapes, but paid a much lower price for the imports. However, the price for these imports was still about $5 per ton higher than the average "cash market" price paid by juice processors for domestic Concords.[2] As the imports sold to wineries merely supplemented supplies without adversely affecting prices of domestic Concords, no injury can be identified in connection with the sale of such imported grapes.

About 92 percent of all Concord grapes are consumed by processors who make grape juice, some of which is later made into wine, jelly, and so forth. These processors procure their grapes by one or more of the three methods described below.

Of the Concord grapes consumed by such processors, 65 percent are delivered to five cooperatives. The grapes are not "purchased" by the cooperatives. Rather, as income is realized for a particular crop, it is paid out to the grape-grower members in several incremental payments (cash and/or certificates). Several years may elapse before the last payment is made. The payments to growers are made on a pro rata basis depending on the tonnage and quality of grapes furnished. The growers' returns per ton of delivered grapes are, in effect, payments for fresh grapes plus net profits from the processing and sales operations of the cooperatives. Of the five cooperatives, two had a Canadian member from whom they accepted grapes in 1967, as in past years, on the same basis as they accepted domestic grapes. The two Canadian farmers received the same payments as the U.S. members. The imports from the Canadian farmers accounted for 3 percent of the total grapes processed for the two cooperatives. We could perceive no measurable effect on the financial returns of such cooperatives by reason of the imports in question.

Twenty-seven percent of the Concord grapes used for juice are processed by independent firms who purchase on an annual contract basis. The contracting farmers agree to accept payment in installments in a total amount equal to the market value for such grapes. Payments are made during a specified period, usually from October through December of the crop year. We were unable to establish a precise formula for determining such market value. Nevertheless, growers selling their crops under these circumstances generally realize a price higher than the price for grapes sold in the cash market. No Canadian grapes were sold to processors under these conditions.

Eight percent of the Concord grapes used by juice processors are purchased in the cash market. It is estimated that half of these grapes are rejected or distress grapes. These are grapes that have been refused by the processor for whom they were intended for one or more reasons. Their brix count may be too low; they may be deteriorated in quality; or they may be in excellent condition but delivered to the plant off schedule when it is overloaded and cannot accommodate them. In any event, such grapes must be sold immediately to any processor who is willing and able to handle them. The other grapes sold on the cash market are either under contract for a known price or are crops the disposal of which farmers have not committed in advance of harvesting. In years of acute shortages uncommitted crops command good prices, but in normal years they generally bring the lowest prices. Few growers run the risk of this type of speculation. It was in this cash market that the remainder of the Canadian Concord grapes were sold in 1967. About one-third of these imports were shipped 400 miles to Michigan processors who had a short supply. The grapes were delivered about 3 days after harvesting. Their average condition was not on a par with most of the domestic grapes delivered in that cash market. The remaining two-thirds of these imports were sold in New York State, principally in the vicinity of Buffalo.

The record shows that in 1967 the Canadians first held out for a delivered price of $90 per ton, a price not generally achieved by domestic growers. Despite the generally lower quality of the Canadian grapes, they were sold in the Eastern (Michigan and New York) cash market at an average price of $85.98 per ton, whereas the domestic grapes averaged $85.66 in the same market. In the circumstances we find no deleterious effect occasioned by such sales as would constitute injury attributable to dumping within the meaning of the Antidumping Act.

Due to substantially higher returns received by Welch growers, the average price received by growers for all Concord grapes sold for juice is higher than the average price of imported grapes each year. There is, however, no measurable effect of imports on the average price received by all growers. Both domestic production and imports increased substantially between 1966 and 1967 but a noticeable reduction in average prices and aggregate returns to growers did not occur. Because the average price remained about the same in the face of substantially larger supplies in 1967, returns to growers increased significantly in that year. We, therefore, conclude that not only is there no evidence of injury from LTFV imports in the components of the U.S. market for Concord grapes,

[2] For purposes of this statement, "cash market" refers to that market in which the final purchase price of Concord grapes is fixed or known prior to, or at the time of, delivery of the grapes. Actual payment is made on such grapes at the time of delivery, or within about 30 days.

but there is no evidence of injury to the aggregate. Canadian authorities, moreover, have demonstrated a successful, cooperative attitude toward avoiding disruptions in the U.S. Concord grape market. Canadian processors are gradually increasing their consumption of Concord grapes while Canadian growers are merely maintaining present production levels. Accordingly, we have no reason for expecting Canadian exports of Concord grapes to pose the likelihood of injury to a domestic industry.

Views of Commissioner Clubb. Although this appears to be a classic dumping situation, I am unable to find that the complaining domestic producers are either presently being injured or are likely to be injured in the future. Since this case is unique, a short comment about it appears to be in order.

In an economic sense, both the United States and the Canadian growers of Concord grapes engage in price discrimination. Ninety-five percent or more of the U.S. crop is committed under contract to particular processing plants before harvest and 5 percent is uncommitted. The price determinations for nearly all of the committed grapes are made after processing, while the price for a small part of such grapes and for all of the uncommitted grapes (which constitute the cash market) is determined before processing. (The great bulk of the Canadian imports are sold as uncommitted grapes.) Prices for the uncommitted grapes are generally lower and fluctuate more widely from year to year than the prices for grapes committed under contract before harvest.

In Canada almost the same thing is done. Pursuant to the Farm Products Marketing Act, representatives of the Canadian growers negotiate a price for the more than half the crop which is sold to processors licensed to process food for resale, and the remainder of the crop is sold in the fresh market for house use. Prices paid by the licensed processors are more stable and higher, sometimes as much as twice as high, as prices in the cash market. In a typical year licensed processors take about 65 percent of the Canadian crop, 15 percent is sold in the fresh market in Canada, and 20 percent is exported to the cash market in the United States.

It is the 20 percent of Canadian Concord production exported to the United States that has raised the problem presented by this case. In 1967 the average price of Concords sold in Canada to licensed processors was $97 (U.S. currency), while the grapes exported to the United States were sold at an average price of $51. The Treasury Department has found that these latter sales were made at less than fair value, and, accordingly, the Tariff Commission must now determine whether, as a result of such sales, a domestic industry "is being or is likely to be injured."

The domestic industry contends that the availability of Canadian grapes at less than fair value in the bumper crop year 1967 depressed prices which they received for their grapes to the extent that they were "injured" within the meaning of the Antidumping Act. Since the grapes exported from Canada accounted for almost 50 percent of all the grapes sold for cash to the eastern U.S. juice processors in that year, the contention must be conceded to have some merit. Cast Iron Soil Pipe from Poland, AA1921-50, TC Publication 214; Titanium Sponge from the U.S.S.R., AA1921-51, TC Publication 255.

But the test that must be applied by the Commission under the Antidumping Act is whether a U.S. industry "is being injured" or "is likely to be injured" by the LTFV imports. I do not see how we can find in 1969 that the domestic producers of an annual crop are presently being injured by imports which took place almost 2 years ago. The crop year 1967 is already ancient history as far as the cash market is concerned. Especially is this true since everyone concedes there were no LTFV imports in the following year, 1968.

We have been instructed by our reviewing court that the Dumping Act is not a penal measure,[3] and, accordingly, it must follow that it is not designed to punish past wrongs. Rather, it is designed to stop present violations and to prevent them in the future. Of course, time must be allowed for the normal processes of industry to produce a complaint and to process it through the Treasury Department so that the present tense term "is being injured" cannot be applied in a strictly technical sense. Judgment must always be made on past events. But if the Antidumping Act is to be remedial, rather than punitive, the judgment which we make must bear some reasonable relationship to what is presently going on in the marketplace. Where an annual crop is involved, a finding of injury almost 2 years after the LTFV sales took place would merely punish the wrongdoer for past misdeeds, a function which we are not authorized to perform under the Antidumping Act.

This may seem a harsh result to the complainants, especially since they filed their complaint promptly in September 1967 and none of the delay appears to be attributable to them. Why it took the Treasury Department 20 months, from September 1967 to April 1969, to process the complaint is not made clear by the record, but whatever the reason, it has removed our consideration of the matter so far in time from the LTFV sales, that a finding of present injury is no longer possible.

There remains the question of whether the domestic industry is "likely to be injured" in the future, for this, too, can trigger dumping duties. On the one hand, it is argued that the Canadian producers have always sold their excess production in the United States, and that in years of abundance these sales historically have been at less than fair value. Accordingly, it is urged that the Commission should presume that the Canadian producers will continue this process and it is only a matter of time until their LTFV sales injure the domestic industry, unless they are restrained by dumping duties. On the other hand, it is argued that the Ontario Marketing Board is discouraging the planting of Concords in favor of other varieties, and that Canadian production has leveled off. Since an increasing amount of Concords is being absorbed by Canadian processors, exports to the United States have declined in recent years. Moreover, the Canadian producers have at all times shown a great sensitivity to the problems of the U.S. producers, and, despite the experience of 1967, have gone to considerable lengths to avoid disrupting the U.S. market. Under such circumstances, the possibility that injury will be done in the future cannot be ruled out, but it does not appear to be sufficiently likely to justify a dumping finding.

Views of Commissioner Leonard. I concur with the negative determination of the other Commissioners but find myself unable to subscribe wholly to their statements of reasons for their determination. The significant points of difference are explained below.

The statement of Chairman Sutton and Commissioner Thunberg satisfies me for the most part with respect to the analytical treatment of the economic data involved in the negative determination. However, the statement fails to treat specifically with all of the pertinent terms of the Antidumping Act of 1921, as amended, and therefore is unclear in applying that data against the benchmarks of the statute.

Under the Act, the Commission must determine whether "an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such [dumped] merchandise into the United States."

The "industry in the United States" in this investigation is the Concord-grape-growing operations of the U.S. growers. Although other industries in the United States are affected one way or another by imports of fresh Concord grapes, such adverse impact as there may be from imports of such grapes would be experienced in greatest degree by the aforementioned U.S.-Concord-grape-growing industry.

The U.S. growers of Concord grapes are concentrated primarily in four separate and distinct geographical areas of the United States: (1) A portion of the State of Washington, (2) a portion of the

[3] In C. J. Tower & Sons v. United States, 71 F. 2d 438 (CCPA 1934), the Secretary of the Treasury had imposed a special dumping duty under the Antidumping Act of 1922, and the importer protested claiming that the Act was unconstitutional because it authorized the Secretary to impose a penalty or fine by an administrative order, thus depriving the importer of property without due process of law. The Court held, however, that the special dumping duty was a tax, not a penalty, and, therefore, it could properly be imposed by administrative order. In arriving at this conclusion the Court laid great stress on the fact that the special dumping duty was designed merely "to equalize the competitive conditions between the exporter and the American industries affected." 71 F. 2d 438, 445.

State of Michigan, (3) contiguous portions of the States of New York, Pennsylvania, and Ohio, and (4) the Finger Lakes area of the State of New York. Due to the perishability of fresh Concord grapes and the need for prompt delivery, the wineries and processors have located their receiving plants in these growing areas. The geographical separation of the four major U.S. growth-distribution areas for fresh Concord grapes and their virtual economic isolation from each other provide a basis for regarding the fresh Concord grape operations of the U.S. growers in each of these areas as separable segments of a national industry for the purposes of the Antidumping Act.

Concord grapes are also grown in the Erie-Ontario grape-growing belt of Canada. This belt is close to, and its exported fresh Concord grapes are sold almost exclusively to, users who are also served by the U.S. growers in the aforementioned areas of Michigan, of New York, Pennsylvania, and Ohio, and of the New York Finger Lakes. The impact of imports of fresh Concord grapes—whether or not dumped—is exerted primarily and most directly on the U.S. growers of such grapes in these three growth-distribution areas, the impact on the growers in the Washington area being nil.

In my view, the facts obtained by the Commission—as largely reflected in the statements of the other Commissioners—clearly show that such adverse impact as the dumped Concord grape imports are having, or are likely to have, on any of the growth-distribution segments or areas of the U.S.-Concord-grape-growing industry is insignificant or immaterial. In addition, there is no evidence whatever before the Commission indicating that any industry in the United States is prevented from being established by reason of the dumped imports in question.

There is another aspect of this case which needs further attention and clarification. The statute, when referring to injury, speaks in terms of both the present and the future. The question is whether an industry "is being" or "is likely to be" injured by dumped imports. The case before the Commission presents a peculiar problem which apparently has not been present in earlier cases considered by the Commission. The growth and the disposition of fresh Concord grapes are seasonal matters. Not until shortly before harvesting and during the very short period of harvesting and disposition is it possible with any certainty for the growers and users to appraise fully the conditions of trade. There are no grape inventories from season to season and continuity of production is subject to variations from year to year which cannot be wholly planned for by the growers and users. In seasons when bumper crops are grown, as in 1967, the evidence before the Commission indicates that it has been the practice of Canadian exporters to sell in the U.S. markets at dumping prices.

Although it cannot be determined in advance which seasons will bring bumper crops, the past growing and pricing practices of the Canadian exporters indicate the likelihood of continued dumping in U.S. markets when bumper crops do occur. With this apparent continuity of dumping practices by the Canadian exporters, I would have no difficulty finding that the U.S.-Concord-grape-growing industry "is being or is likely to be injured" by such dumped imports if, despite the absence of dumped imports in the most recent crop year (1968), the growing and pricing practices of the Canadian exporters had already produced injury within the meaning of the Antidumping Act or were likely to do so in connection with subsequent bumper crop years. I have no alternative but to make a negative determination in this case, however, having already concluded that for the recent period—including 1967 when one of the greatest volumes of dumped imports was received—the adverse impact, if any, on each segment of the U.S.-Concord-grape-growing industry is not significant or material and, for the reasons explained in the statement of Chairman Sutton and Commissioner Thunberg, is not likely to be significant or material.

Accordingly, for the reasons indicated, I have concluded that no industry in the United States is being or is likely to be injured, or is prevented from being established.

By direction of the Commission.

[SEAL] WILLARD W. KANE,
Acting Secretary.

[F.R. Doc. 69-9339; Filed, Aug. 7, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 5, 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. 41708—*Iron or steel skelp to Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-61), for interested rail carriers. Rates on skelp, iron or steel, in carloads, as described in the application, from Ashland, Ky., to Houston, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 118 to Southwestern Freight Bureau, agent, tariff ICC 4753.

FSA No. 41709—*Clay, kaolin, or Pyrophyllite from Letohatchie and Montgomery, Ala.* Filed by O. W. South, Jr., agent (No. A6121), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, as described in the application, from Letohatchie and Montgomery, Ala., to various points in Wisconsin.

Grounds for relief—Rate relationship.

Tariff—Supplement 58 to Southern Freight Association, agent, tariff ICC S-751.

FSA No. 41710—*Rubber and rubber compounds from Chaison, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-64), for interested rail carriers. Rates on rubber, artificial, neoprene or synthetic, crude, and rubber compounds, noibn, loose or in packages, in carloads, from Chaison, Tex., to points in southern, southwestern, western trunkline, and official (including Illinois) territories.

Grounds for relief—Rate relationship.

Tariff—Supplement 10 to Southwestern Freight Bureau, agent, tariff ICC 4849.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-9368; Filed, Aug. 7, 1969; 8:49 a.m.]

[Notice 881]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 5, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 142 TA), filed July 28, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonal Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C

of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite and facilities of Hygrade Food Products Corp. at Postville, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214 (S. H. Lloyd, Assistant Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 67866 (Sub-No. 27 TA), filed July 30, 1969. Applicant: FILM TRANSIT, INC., 291 Hernando Street, Memphis, Tenn. 38126. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined in practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and livestock), between Memphis, Tenn., and points in its commercial zone (except that part in Mississippi) on the one hand, and on the other, points in that part of Mississippi south of U.S. Highway 82 and on and north of U.S. Highway 80; restricted against the transportation of shipments in excess of 100 pounds per day from one consignor at one location to one consignee at one location on any 1 day; and against the transportation of any package or article weighing in excess of 70 pounds or any package or article exceeding 108 inches in length and girth combined, for 180 days. NOTE: Applicant does intend to interline with other carriers at Memphis, Tenn. Supporting shippers: There are approximately 151 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 107295 (Sub-No. 207 TA), filed July 28, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring and lumber products*, from Laona, Wis., to points in Minnesota, Missouri, New York, and Pennsylvania, for 180 days. Supporting shipper: Connor Forest Industries, 131 Thomas Street, Wausau, Wis. 54401. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107818 (Sub-No. 48 TA), filed July 28, 1969. Applicant: GREENSTEIN TRUCKING COMPANY, 280 Northwest 12th Avenue, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts and agricultural commodities* otherwise exempt from economic regulations under section 203(b)6 of the Act when transported in mixed shipments with bananas, plantains, pineapples and coconuts from Wilmington, Del., to points in Florida, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, Ohio, Michigan, Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, and North Dakota, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla.

No. MC 110420 (Sub-No. 595 TA), filed July 28, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate and chocolate coating*, in bulk, from Elizabethtown, Pa., to St. Paul, Minn., for 180 days. Supporting shipper: Pearson Candy Co., 2140 West Seventh Street, St. Paul, Minn. 55116 (Roy Brzaeau, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 116091 (Sub-No. 4 TA), filed July 28, 1969. Applicant: STANLEY LEMONS AND CLAUDE LEMONS, doing business as LEMONS BROTHERS, Post Office Box 295, Cynthiana, Ky. 41031. Applicant's representative: Robert H. Kinker, Post Office Box 464, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles* distributed by meat packinghouses, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209 and 766, in mechanically refrigerated trailers furnished by shipper or carrier, from Lexington, Ky., and the plantsite of Webber Farms, Inc., near Cynthiana, Ky., to Orlando, Fla., for 180 days. Supporting shipper: Webber Farms, Inc., Post Office Box 327, Cynthiana, Ky. 41031, Earl C. McNabb, Vice President, Sales and Marketing. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 117765 (Sub-No. 86 TA), filed July 28, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan, 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, materials, supplies and accessories* used in installation or distribution thereof, from Greenville, Miss., to points in Kansas, Oklahoma and Texas, for 180 days. Supporting shipper: United States Gypsum Co., 101 South Wacker Drive, Chicago, Ill. 60606. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 118159 (Sub-No. 69 TA) (Correction), filed June 20, 1969, published FEDERAL REGISTER, issue of July 2, 1969, and republished as corrected this issue. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petro-chemicals, petroleum, petroleum products and waxes*, in packages and containers, from Enid, Okla., to points in Delaware, Maryland, Ohio, New York, and Pennsylvania, for 180 days. NOTE: The purpose of this republication is to include "petroleum", which was inadvertently omitted in previous publication. Supporting shipper: Champlin Petroleum Co., Post Office Box 552, Enid, Okla. 73701. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009, Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 128201 (Sub-No. 2 TA), filed July 16, 1969. Applicant: SCHUSTER GRAIN COMPANY, INC., 7th Avenue SE., Le Mars, Iowa 51031. Applicant's representative: Charles J. Kimball, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds and animal health products* (except liquids in bulk), (a) from the plantsite and warehouse facilities of Nixon & Co., a division of Nebraska Consolidated Milling Co., at Sioux City, Iowa, to points in Minnesota, Nebraska, and South Dakota; and (b) from the plantsite and warehouse facilities of Nixon & Co., a division of Nebraska Consolidated Milling Co., at Omaha, Nebr., to the plantsite and warehouse facilities of Nixon & Co., a division of Nebraska Consolidated Milling Co., at Sioux City, Iowa; (2) *Animal and poultry feed ingredients*, except liquids in bulk, from points in Minnesota, Nebraska, and South Dakota, to the plantsite and warehouse facilities of Nixon & Co., a division of Nebraska Consolidated Milling Co., at Sioux City, Iowa. Under continuing contract with Nixon & Co., a division of Nebraska Consolidated Milling Co., Sioux City, Iowa, for 180 days. Supporting

shipper: Nixon & Co., 901 Dace Avenue, Sioux City, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 133240 (Sub-No. 4 TA), filed July 28, 1969. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, in cartons, for the account of Holly Stores, Inc., between Secaucus, N.J., on the one hand, and, on the other, Port Huron, Grand Rapids, Flint, Battle Creek, Saginaw, Bay City, Jackson, Benton Harbor, and Livonia, Mich., Elkhart, Mishawaka, and South Bend, Ind., Raleigh, High Point, Ashville, Charlotte, Greensboro, Kannapolis, Fayetteville, and Burlington, N.C., Greenville, West Columbia, Columbia, Spartanburg, Anderson, and Florence, S.C., Fredericksburg, Lynchburg, Charlottesville, Danville, Roanoke, and Norfolk, Va., for 180 days. Supporting shipper: Holly Stores, Inc., 550 West 59th Street, New York, N.Y. 10019, Robert J. Booth, Traffic Manager. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J.

No. MC 133601 (Sub-No. 2 TA), filed July 24, 1969. Applicant: SAMUEL LOWY, doing business as RAILROAD AUTO TRANSPORT, 152 West 42d Street, New York, N.Y. Applicant's representative: Arthur Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, with or without baggage and personal effects*, between points in Broward, Dade, and Palm Beach Counties, Fla., on the one hand, and on the other, points in New York City, Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Union, Hudson, Bergen, Essex, Passaic, Middlesex, Monmouth, Somerset, and Morris Counties, N.J., for 150 days. NOTE: Applicant intends to use railroad substituted service between railroad trailer-on-flat car ramps in Miami, Fla., and railroad trailer-on-flat car ramps in New York and New Jersey. Supporting shippers: Samuel Lowy, Railroad Auto Transport, 152 West 42d Street, New York, N.Y. 10036; Joseph M. Siegel, 45 Willow Lane, Roselle, N.J. 07203; Joseph M. Spielberg, M.D., 6801 19th Avenue, Brooklyn, N.Y. 11204; William Tisdale, 8223 Bay Parkway, Brooklyn, N.Y. 11214; Solomon S. Holland, 39 Rock Spring Avenue, West Orange, N.J.; Eric O. Lowry, 200 East 16th Street, New York City, N.Y.; Newton's Homewood Inn, 15 Interlaken Avenue, Lake Placid, N.Y. 12946. Send protests to: District Supervisor Stephen P. Tomany, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, N.Y. 10007.

No. MC 133880 (Sub-No. 1 TA), filed July 28, 1969. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, Post Office Box 3122, Davenport, Iowa 52808. Applicant's representative: John Lavender (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and supplies* used in the preparation of scrap metals, when moving in mixed loads with bulk scrap, and *scrap iron and steel, and scrap metal*, in bulk, between Minneapolis and St. Paul, Minn., La Crosse, Wis., Waterloo, Davenport, Council Bluffs, Iowa, Omaha, Nebr., Moline, Rock Island, Quincy, Ill., and La Grange, Mo., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Alter Co., 2333 Rockingham Road, Davenport, Iowa. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

By the Commission.

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

[F.R. Doc. 69-9369; Filed, Aug. 7, 1969; 8:49 a.m.]

[Notice 392]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 5, 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–71370. By order of July 29, 1969, the Motor Carrier Board on reconsideration approved the transfer to P. L. Duncan & Sons, Inc., Columbia, Va., of certificates Nos. MC–123927 (Sub-No. 1), and MC–123927 (Sub-No. 3) issued September 17, 1962, and October 6, 1964, respectively, to John F. Kirksey, doing business as Kirksey Trucking, Richmond, Va., authorizing the transportation of barrel staves and headings, in bundles, from the plantsites of Powhatan Cooperage Co., at Moseley, Va., to Chicago, Danville, and Joliet, Ill.; Baltimore, Md.; Birmingham, Mich.; St. Paul, Minn.; St. Louis, Mo.; Jersey City, Phillipsburg, Rahway, and Trenton, N.J.; New York and Port Chester, N.Y.; Beaver Falls, Lebanon, Philadelphia, and Pittsburgh, Pa.; and Cudahy and Milwaukee, Wis.; and truck refuse bodies, refuse containers, and repair parts therefor, from Buffalo, N.Y., to Richmond, Va. Dual operations were authorized. Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220, attorney for applicants.

No. MC–FC–71479. By order of July 31, 1969, the Motor Carrier Board approved the transfer to Kennedy Van & Storage Co., Inc., 3511 Old Post Road, Fairfax, Va. 22030, of certificate No. MC–20337 issued March 21, 1967, to Eureka Van & Storage Co., Inc., 2926 Prosperity Avenue, Falls Church, Va. 22046, authorizing the transportation of household goods, as defined by the Commission (with exceptions), between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia, and between Washington, D.C., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Maryland, Pennsylvania, Delaware, New Jersey, and New York.

No. MC–FC–71491. By order of July 29, 1969, the Motor Carrier Board, approved the transfer to Albert A. J. Smith, doing business as Eagle Bus Line, Brewton, Ala., of certificate No. MC–117411 (Sub-No. 3), issued June 27, 1961, to Lawrence Langham and Burns Langham, a partnership, doing business as Langham Bus Line, Brewton, Ala., authorizing the transportation of: Passengers and their baggage, and newspapers and express in the same vehicle with passengers, over specified regular routes, between Brewton, Ala., and the Chemstrand Corp., near Gonzalez, Fla., serving the intermediate points of Pollard and Flomaton, Ala., unrestricted, and other intermediate points for the transportation of newspapers and express only; between Brewton, Ala., and the St. Regis Paper Co., at or near Contonment, Fla.; between Brewton, Ala., and the Chemstrand Corp. near Gonzalez, Fla., and the St. Regis Paper Co. at Contonment, Fla., over specified routes; and from and to Brewton, Ala., over a circular route specified. J. Douglas Harris, 409–412 Bell Building, Montgomery, Ala. 36104, attorney for applicants.

No. MC–FC–71497. By order of July 29, 1969, the Motor Carrier Board approved the transfer to Bob Utgard, doing business as Utgard Trucking, New Richmond, Wis., of the operating rights in certificate No. MC–124194 issued August 2, 1962, to Leonard J. Krantz, Eau Claire, Wis., authorizing the transportation, over irregular routes, of livestock from points in Marathon County, Wis., to South St. Paul and Newport, Minn., feed, fertilizer, tankage, and farm machinery from South St. Paul, Newport, St. Paul, and Minneapolis, Minn., to points in Marathon County, Wis., and animal and poultry feed and feed concentrates from Minneapolis and St. Paul, Minn., to points in Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC–FC–71508. By order of July 29, 1969, the Motor Carrier Board, approved the transfer to L. G. Ogle, Harrison, Ark.,

of certificate No. MC-125529, issued March 4, 1964, to Bert Jones, Harrison, Ark., authorizing the transportation of: Feed, in bags, from Springfield, Mo., to points in Boone, Searcy, Marion, and Newton Counties, Ark. Joseph R. Nacy, 117 West High Street, Post Office Box No. 352, Jefferson City, Mo. 65105, attorney for applicants.

No. MC-FC-71547. By order of July 31, 1969, the Motor Carrier Board approved the transfer to Glen Johnson and Robert H. Johnson, a partnership, doing business as Johnson's Freight Line, Quitman, Tex., of certificate No. MC-65774, issued February 18, 1965, to Glen Johnson, doing business as Johnson's Freight Line, Quitman, Tex., authorizing the transportation of: General commodities, with usual exceptions, and except household goods, and commodities in bulk, over regular routes, between Tyler, Tex., and Winnsboro, Tex., serving all intermediate points. Robert H. Johnson, 6324 Genoa Road, Fort Worth, Tex. 76116, for applicants.

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

[F.R. Doc. 69-9370; Filed, Aug. 7, 1969; 8:49 a.m.]

[Notice 392A]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 5, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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-71041. By order of July 25, 1969, Division 3, acting as an Appellate Division, approved the transfer to Seminole Transport Lines, Inc., 1335 Northwest 23d Street, Miami, Fla. 33142 of certificate No. MC-117890, issued April 20, 1965, to Jenkins Trucking, Inc., 1335 Northwest 23d Street, Miami, Fla. 33142, authorizing the transportation of: Bananas, from Miami and Tampa, Fla., to points in Florida, Alabama, Georgia, South Carolina, Tennessee, Kentucky, Indiana, and Ohio.

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

[F.R. Doc. 69-9371; Filed, Aug. 7, 1969; 8:49 a.m.]

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