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Agencies in this issue—

Detailed list of Contents appears inside.

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Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

National Aeronautics and Space Administration

Section 213.3348 is amended to show that one position of Staff Assistant to the Administrator and one position of Special Assistant to the Director, Office of Manned Space Flight Field Center Development, are abolished and no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs (k) and (l) of § 213.3348 are revoked.

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

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

[F.R. Doc. 69-11300; Filed, Sept. 19, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Confidential Secretary to the Administrator, Urban Mass Transportation, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (f) of § 213.3394 as set out below.

§ 213.3394 **Department of Transportation.**

* * * * * *

(f) *Urban Mass Transportation Administration.* * * *

(2) One Confidential Secretary to the Administrator.

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

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

[F.R. Doc. 69-11301; Filed, Sept. 19, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

FEES FOR GRADING SERVICE

Pursuant to the authority contained in section 203 and 205 of the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1622, 1624), 7 CFR 53.29(d), prescribing per diem charges in connection with the performance of Federal meat grading services, is hereby amended by changing the phrase "$14 per diem" to "$16 per diem" and by changing the phrase "A per diem charge of $3.50" to "A per diem charge of $4."

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading services, rendered under its provisions. What such cost is and the fees necessary to cover it are matters wholly within the knowledge of the Department of Agriculture. It has been determined that the per diem charges in connection with the performance of the Federal meat grading services must be increased as soon as practicable as provided for herein to cover the increased cost of travel to employees. Therefore, pursuant to 5 U.S.C. 553, it is found that notice and other public procedure with respect to the changes in per diem charges provided by this amendment are impracticable and unnecessary and good cause is found for making such amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

The amendment shall become effective September 21, 1969.

(Secs. 203, 205, Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., this 18th day of September 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-11346; Filed, Sept. 19, 1969; 9:35 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

IMPORTATION

Pursuant to the authority of sections 1, 5, 7, and 9 of the Plant Quarantine Act, as amended (7 U.S.C. 154, 159, 160, 162), § 319.37–19(c) of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37–19(c)) is amended by inserting "Republic of South Africa" in the tabular column relating to "*Rosa* spp.", so that the amended item reads:

Plants to be grown under postentry quarantine	*Where imported from*
Rosa spp.	All foreign countries except Australia, Canada, Italy, New Zealand, and Republic of South Africa.

(Secs. 1, 5, 7, 9, 37 Stat. 315–318, as amended; 7 U.S.C. 154, 159, 160, 162; as amended. 29 F.R. 16210, as amended; 33 F.R. 15485)

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

Because of the occurrence there of rose wilt virus, the Republic of South Africa was added to the list of countries in § 319.37(b) (27 F.R. 8303) from which the importation of *Rosa* spp. is prohibited and imports of such material cannot enter the United States even for postentry quarantine; accordingly, the Republic of South Africa is added to the list of countries excepted from the postentry quarantine provisions in § 319.37–19(c).

This amendment should be made effective promptly in order to clarify the regulations in the public interest. It does not impose any additional requirement on any member of the public. Therefore, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment are unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

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

[SEAL] R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-11284; Filed, Sept. 19, 1969; 8:47 a.m.]

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

ENTRY INTO GUAM OF FRUITS AND VEGETABLES

Pursuant to the authority conferred by the proviso in the Fruit and Vegetable Notice of Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56) and § 319.56–2 of the regulations supplemental to said quarantine (7 CFR 319.56–2), under sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 162), § 319.56a(a)(3) of the administrative instructions appearing as 7 CFR 319.56a(a)(3) is hereby amended to read as follows:

§ 319.56a Administrative instructions and interpretation relating to entry into Guam of fruits and vegetables under § 319.56.

(a) * * *

(3) All fruits and vegetables from the Caroline Islands, except citrus fruits, and except taro from the Palau and Yap districts (the excepted products are not approved for entry into Guam under § 319.56 without treatment).

* * * * *

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159; 29 F.R. 16210, as amended, 33 F.R. 15485; 7 CFR 319.56; 7 CFR 319.56–2)

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

This amendment includes bananas in the category of fruits and vegetables that are authorized entry into Guam from the Caroline Islands without treatment. This action was taken following requests to allow such importations.

Untreated banana fruit originally was not approved for entry into Guam from the Caroline Islands of the Trust Territory because of published reports that the banana scab moth (*Nacoleia octasema*), a pest of banana fruit not known to occur in Guam, existed in the Caroline Islands. Since then, extensive field surveys in Ponape, Truk, and Palau, the principal banana growing areas of the Caroline Islands, have failed to find any evidence of the occurrence of the scab moth. The entire collection of Micronesian insects located in the U.S. National Museum has been reexamined and there is no material of *Nacoleia octasema* or any species so identified. Furthermore, the Government of Guam is in favor of permitting the importation of bananas from the Caroline Islands.

This relieving of restriction is not believed to present a hazard of plant pest dissemination into Guam. Nevertheless, such imports will be subject to treatment or refused entry at the port of entry in Guam should economically important pests not existing in Guam be detected on inspection upon arrival.

In order to be of maximum benefit to importers in Guam, the amendment should be made effective as soon as possible. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 16th day of September 1969.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 69–11283; Filed, Sept. 19, 1969; 8:47 a.m.]

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

[Valencia Orange Reg. 293, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(i) of § 908.593 (Valencia Orange Reg. 293, 34 F.R. 14279) are hereby amended to read as follows:

§ 908.593 Valencia Orange Regulation 293.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 500,000 cartons.

* * * * *

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

Dated: September 17, 1969.

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

[F.R. Doc. 69–11304; Filed, Sept. 19, 1969; 8:49 a.m.]

[Lemon Reg. 392]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.692 Lemon Regulation 392.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department

after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 16, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period September 21, 1969, through September 27, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 186,000 cartons;
(iii) District 3: 22,200 cartons.

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

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

Dated: September 18, 1969.

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

[F.R. Doc. 69-11314; Filed, Sept. 19, 1969; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Definition of Official Vaccinate

Pursuant to the provisions of sections 3, 4, 5, 11, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, and 134b), paragraph (m) of § 51.1 of the regulations in Part 51 and paragraph (j) of § 78.1 of the regulations in Part 78, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby further amended in the following respects:

1. That portion of the text of paragraph (m) of § 51.1 preceding the first semicolon is amended to read as follows:

§ 51.1 Definitions.

* * * * * *

(m) *Official vaccinate.* A female bovine animal vaccinated subcutaneously against brucellosis while from 3 to 8 months (90 to 239 days) of age or a female bovine animal of a beef breed vaccinated subcutaneously against brucellosis while from 3 to 10 months (90 to 299 days) of age, under the supervision of a Federal or State veterinary official, with a vaccine approved by the Division; * * *

* * * * * *

2. That portion of the text of paragraph (j) of § 78.1 preceding the first semicolon is amended to read as follows:

§ 78.1 Definitions.

* * * * * *

(j) *Official vaccinate.* A female bovine animal vaccinated subcutaneously against brucellosis while from 3 to 8 months (90 to 239 days) of age or a female bovine animal of a beef breed vaccinated subcutaneously against brucellosis while from 3 to 10 months (90 to 299 days) of age, under the supervision of a Federal or State veterinary official, with a vaccine approved by the Division; * * *

* * * * * *

(Secs. 3, 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693, sec. 11, 58 Stat. 734, as amended, sec. 3, 76 Stat. 130; 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, 134b; 29 F.R. 16210, as amended, 30 F.R. 6801)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

For purposes of the indemnity regulations in 9 CFR Part 51, and regulations in 9 CFR Part 78, restricting the interstate movement of cattle, the provisions of these amendments: (1) Decrease (from 3 through 8 months to 3 to 8 months) the maximum age at which female calves of breeds other than beef breeds may be vaccinated against brucellosis in order to be classified as official vaccinates; (2) decrease the age at which female calves of beef breeds in a range or semirange area (from 3 through 11 months to 3 to 10 months) must be vaccinated against brucellosis in order to be classified as official vaccinates; and (3) increase the period (from 3 through 8 months to 3 to 10 months) during which female calves of beef breeds in areas other than range or semirange areas may be vaccinated and classified as official vaccinates for purposes of such regulations.

Such changes will bring the regulations in Part 51 and Part 78 (9 CFR) into conformity with the provisions of the "Uniform Methods and Rules for the Establishment and Maintenance of Certified Brucellosis-Free Herds of Cattle and Modified Certified Areas," which are adopted by the U.S. Animal Health Association and approved by the Division.

The foregoing amendments should be made effective promptly in order to facilitate the Federal-State cooperative brucellosis control eradication programs. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary; therefore, they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

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

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-11281; Filed, Sept. 19, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-WE-20-AD; Amdt. 39-842]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Model 22 and 22M Airplanes

There have been failures of the main landing gear axle beams during ground operations on General Dynamics Model 22 and 22M Airplanes with 10,000 or more hours time in service. These failures which occurred under static conditions are typical of sustained load type failures in high strength steel. Evidence indicates that the initial crack developed due to stress corrosion or hydrogen embrittlement. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued to require inspection and rework of the affected area of the axle beam in accordance with the manufacturer's service bulletins and repair manual, or equivalent action approved by the Chief, Aircraft Engineering Division, FAA Western Region.

The 2,000 hours' time in service compliance time for the inspection and rework has been established by the agency on the basis of safety considerations. This compliance time provides the lead-time for operators to schedule and plan compliance with the AD with a minimum burden. To prescribe the inspection and rework required by this AD under the usual notice and public procedures followed by the agency within the time the agency has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for the required inspection and rework and could possibly leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of the inspection and

rework required by this AD within the time the agency has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable and this amendment becomes effective 30 days after publication in the FEDERAL REGISTER. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, FAA Western Region, Attention: Office of the Regional Counsel, Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received before the effective date wil be considered by the Administrator, and the AD may be changed in the light of comments received. All comments will be available both before and after the effective date in the Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

The substance of this AD has been informally coordinated with the Air Transport Association, and the aircraft operators. One objection, based upon enforced compliance with the entire service bulletin in the time limits proposed, was received. The objector stated that partial compliance with the service bulletins in combination with some corrosion and mechanical protection would serve as well; he proposed replacing the cadmium plating and baking process specified in the service bulletins with painting, for corrosion protection, and the application of a silicon rubber coating for protection against nicks which could lead to stress corrosion; and recommended that the AD allow the cadmium plating and baking to be deferred indefinitely.

The FAA has requested, but has not received, positive evidence that the above alternatives to the service bulletin requirements provide an equivalent level of safety. The manufacturer has pointed out that the baking process for the relief of hydrogen embrittlement is one of the most important requirements of the service bulletin. Based on present information, the FAA finds that the proposed alternative rework does not provide an effective substitute for the baking process and, therefore, is not a satisfactory alternative to complete compliance with the service bulletin.

An operator has objected to the time limits for compliance listed in the AD, stating that no correlation exists between the total time in service and the failures which have occurred in the industry to date. The operator concludes that the compliance times are unjustifiably short. The FAA finds otherwise and regards the scatter in total time in service for previous incidents as adequate justification for the time limits proposed. This scatter indicates that these failures could occur in an unprotected beam at any time approximating the flight hours of the axle beams which have had failures and that the compliance time is realistic, with due consideration for scheduling performance of the AD.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to all Model 22 Aircraft equipped with axle beam P/N 9729-68-1 and Model 22M Aircraft equipped with axle beam P/N 1057-68-1.

Compliance required within the next 2,000 hours' time in service after the effective date of this AD or before the accumulation of 9,000 hours' total time in service, whichever occurs later, unless already accomplished.

Several failures of the main landing gear axle beam have been attributed to cracks originating near the center jack pad on the beam lower surface. The crack then progresses upward until complete failure of the beam occurs at a point above the axle beam pivot pin. The initial crack in the beam develops due to stress corrosion or hydrogen embrittlement. To prevent further failures of this nature, accomplish the following or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) Inspect and rework each Model 22 Aircraft axle beam assembly P/N 9729-68-1 in accordance with General Dynamics/Convair 880 Service Bulletin No. 32-87, dated February 7, 1966 (or later FAA-approved revision), and each Model 22M Aircraft axle beam assembly P/N 1057-68-1 in accordance with General Dynamics/Convair 880M Service Bulletin No. 32-56, dated February 7, 1966 (or later FAA-approved revision).

(b) Removal of beam material extending below 0.006-inch depth from the original beam surface will require individual evaluation by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective October 18, 1969.

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

Issued in Los Angeles, Calif., on September 8, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-11272; Filed, Sept. 19, 1969; 8:47 a.m.]

[Docket No. 69-EA-92; Amdt. 39-843]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 69-1-4 applicable to Pratt & Whitney Type JT3D aircraft engines.

AD 69-1-4 required the daily inspection and replacement where necessary of No. 6 bearing oil tube assemblies. The AD also permitted replacement of the tubes with tubes of increased durability thereby ending the need for further compliance with the AD. Since the publication of the AD however, further study by FAA and NTSB together with the availability of quantities of the new tubes, it is found that the tubes must be replaced at the first practical instance which is the hot section inspection.

Since a situation exists which requires expeditious adoption of this regulation, it is found that notice and public procedure hereon are impracticable.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 69-1-4 as follows:

1. Reletter present paragraph (c) and (d) as (d) and (e) respectively and insert the following new paragraph (c):

(c) Within 8,000 hours' time in service after the effective date of this airworthiness directive, unless otherwise accomplished, replace all No. 6 bearing oil tube assemblies, P/N 415907, 415908, 432000, or 432004 with increased durability No. 6 bearing oil tube assemblies and support brackets as identified in Pratt & Whitney Aircraft Turbojet Engine Service Bulletin No. 2081 Revision No. 2 or later revision, approved by the Chief, Engineering and Manufacturing Branch, Eastern Region.

This amendment is effective October 20, 1969.

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

Issued in Jamaica, N.Y., on September 8, 1969.

WAYNE HENDERSHOT,
Acting Director.

[F.R. Doc. 69-11276; Filed, Sept. 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-27]

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

Designation of Transition Area

On March 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5953), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Cedar Springs, Ga., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat. 31°-10'30" N., long. 85°05'40" W.) for Great Northern Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by inserting the geographic coordinate for the airport.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 13, 1969, as hereinafter set forth.

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

CEDAR SPRINGS, GA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Great Northern Airport (lat. 31°10'30" N., long. 85°05'40" W.); within 2 miles each side of the Dothan VORTAC 110° radial, extending from the 5-mile radius area to 15 miles east of the VORTAC.

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

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

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-11268; Filed, Sept. 19, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-80]

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

Designation of Transition Area

On August 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12952), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Burlington, N.C., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat. 36°02'45" N., long. 79°28'40" W.) for Burlington Municipal Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by inserting the geographic coordinate for the airport.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 13, 1969, as hereinafter set forth.

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

BURLINGTON, N.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Burlington Municipal Airport (lat. 36°02'45" N., long. 79°28'40" W.); within 3 miles each side of the Greensboro VORTAC 090° radial, extending from the 6.5-mile radius area to 17 miles east of the VORTAC.

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

Issued in East Point, Ga., on September 10, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-11269; Filed, Sept. 19, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SW-51]

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

Designation and Alteration of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Monticello, Ark., transition area and alter the Crossett, Ark., transition area.

On August 5, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12715) stating the Federal Aviation Administration proposed to alter controlled airspace in the Monticello, Ark., terminal area.

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

The portion of the Crossett, Ark., 1,200-foot transition area within the State of Mississippi is now included in the Mississippi transition area (§ 71.181 (34 F.R. 7122)). Action is taken herein to exclude this airspace from the Crossett transition area description.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 13, 1969, as hereinafter set forth.

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

MONTICELLO, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monticello Municipal Airport (lat. 33°38'10" N, long. 91°45'10" W.), and within 2 miles each side of the Monticello VORTAC 336° radial extending from the 5-mile radius area to the VORTAC.

(2) In § 71.181 (34 F.R. 4670), the Crossett, Ark., transition area 1,200-foot portion is amended in part by deleting "* * * lat. 33°33'43" N., long. 91°42'56" W., to point of beginning." and substituting therefor "* * * lat. 33°37'00" N., long. 91°34'00" W., to point of beginning, excluding the portion within the State of Mississippi."

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

Issued in Fort Worth, Tex., on September 11, 1969.

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

[F.R. Doc. 69-11270; Filed, Sept. 19, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SW-52]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Vivian, La., transition area.

On August 5, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12716) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Vivian, La.

Interested persons were afforded an opportunity to participate in the rule making through 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., November 13, 1969, as herein set forth.

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

VIVIAN, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Vivian Municipal Airport (lat. 32°51'55" N., long. 94°00'30" W.), and within 2 miles each side of the Shreveport VORTAC 299° radial extending from the 5-mile radius area to 5.5 miles northwest of the VORTAC.

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

Issued in Fort Worth, Tex., on September 11, 1969.

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

[F.R. Doc. 69-11271; Filed, Sept. 19, 1969; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200 in the Table of Contents a new § 200.94 is added to read as follows:

Sec.
200.94 Loan Assistance Committee.

In § 200.57 paragraph (i) is amended to read as follows:

§ 200.57 Assistant Commissioner for Multifamily Housing and Deputy.

* * * * *

(i) To act for the Commissioner in approving applications for financial assistance under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended, and in approving the waiver of interest on such loans made to nonprofit organizations under the Appalachian Regional Development Act of 1965.

* * * * *

In Part 200 § 200.61 is amended to read as follows:

§ 200.61 Director of the Low and Moderate Income Housing Division and Deputy.

To the position of the Director of the Low and Moderate Income Housing Division and under his general supervision to the position of Deputy Director of the Low and Moderate Income Housing Division there is delegated the authority to develop and recommend policies and establish operating plans and procedures for the insurance of multifamily housing mortgages under section 231 and section 221(d)(3), exclusive of prescribing forms and procedures for cooperatives and condominiums; for insurance of mortgages under section 221(h); for insurance of mortgages under the homeownership assistance program, the rental housing assistance program, and the credit assistance program; for technical and loan assistance to nonprofit sponsors of low and moderate income housing and for administration of the direct loan program for housing for the elderly or handicapped under section 202 of the Housing Act of 1959; for administration of the rent supplement program, the homeownership assistance program, the rental housing assistance program, and the credit assistance programs; to act for the Commissioner in approving applications for financial assistance under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended, and in approving the waiver of interest on such loans made to nonprofit organizations under the Appalachian Regional Development Act of 1965; and to approve or direct the approval of loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959, including full authority to make contracts, sign and execute documents and take any action incident thereto, and to be responsible for conversion of section 202 projects to insured private financing with interest assistance under section 236 of the National Housing Act.

In Part 200 a new § 200.94 is added to read as follows:

§ 200.94 Loan Assistance Committee.

(a) *Members.* The Loan Assistance Committee is composed of the following members: Assistant Commissioner for Multifamily Housing, Chairman; Assistant Commissioner-Comptroller; and Assistant Commissioner for Programs, or their designees.

(b) *Function.* The function of the Loan Assistance Committee is to approve or disapprove the waiver of repayment in whole or in part of loans made under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended.

(c) *Minutes.* The Committee shall meet at the call of the Chairman and shall maintain minutes of each meeting. Such minutes shall be dated, consecutively numbered and shall be signed by each member who attended the meeting. The original of such minutes shall be retained by the Assistant Commissioner-Comptroller in the official FHA records.

In § 200.96 a new paragraph (d) is added to read as follows:

§ 200.96 Field Office Directors, Deputy Directors and Assistant Directors; and Director, Multifamily Housing Insuring Office (New York).

* * * * *

(d) To approve loans under section 106 of the Housing and Urban Development Act of 1968 subject to the availability of funds, and under section 207 of the Appalachian Regional Development Act of 1965, as amended, subject to the availability of funds and concurrence of the Appalachian Regional Commission and to approve waiver of interest on loans made to nonprofit organizations under the Appalachian Regional Development Act of 1965.

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

Issued at Washington, D.C., September 15, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-11255; Filed, Sept. 19, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 699—TEXTILE AND TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 607 (33 F.R. 12103), the Secretary of Labor appointed and convened Industry Committee No. 85 for the Textile and Textile Products Industry in Puerto Rico; referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Following an investigation and hearing conducted according to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters under consideration.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of the Industry Committee No. 85 are hereby published to be effective October 6, 1969, in this order amending § 699.2 of Title 29, Code of Federal Regulations, as follows:

§ 699.2 Wage rates.

* * * * *

(a) *Pre-1961 coverage classifications.* The classifications in this paragraph (a) apply to all activities of employees in the textile and textile products industry in Puerto Rico to which section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(1) *Mattress and pillow classification.* (i) The minimum wage for this classification is $1.60 an hour.

(ii) This classification is defined as the manufacture of mattresses and pillows.

(2) *Multiple-needle power-driven machine operations on hooked rugs classification.* (i) The minimum wage for this classification is $1.45 an hour.

(ii) This classification is defined as the punching or tufting in the manufacture of hooked or punched rugs and carpeting with multiple-needle machines containing five or more needles, including the operation of the machine, the work of the assistant or helper thereon, and the work of the maintenance employees who set up or repair these machines.

(3) *Other operations on hooked rugs classifications.* (i) The minimum wage for this classification is $1.15 an hour.

(ii) This classification is defined as all operations and processes in the manufacture of hooked or punched rugs and carpeting except those included in the multiple-needle power-driven machine operations on hooked rugs classification as defined in subparagraph (2) of this paragraph.

(4) *General classification.* (i) The minimum wage for this classification is $1.35 an hour.

(ii) This classification is defined as all services and the manufacture of all products included in the textile products industry in Puerto Rico, except those products and activities included in any other classification of this industry.

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.60 an hour.

(2) This classification is defined as all activities of employees in the textile and textile products industry to which section 6 of the Act applies only by reason of the Fair Labor Standards Amendments of 1961.

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1.30 an hour for the period ending January 31, 1970; $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.60 an hour thereafter.

(2) This classification is defined as all activities of employees in the textile and textile products industry to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 16th day of September 1969.

BEN P. ROBERTSON,
Acting Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 69-11290; Filed, Sept. 19, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4695]

ALASKA

Modification of Public Land Order No. 4582

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847, as amended; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4582 of January 17, 1969, withdrawing all unreserved public lands in Alaska for the determination and protection of the rights of the native Aleuts, Eskimos, and Indians of Alaska, is hereby modified to permit:

1. The disposal of timber or vegetative products under the Act of May 14, 1898 (30 Stat. 414, as amended, 48 U.S.C. 421), and the Act of July 31, 1947 (61 Stat. 681, as amended, 30 U.S.C. 601), to the extent of 10 million board feet of piling and construction material for the drilling of oil wells on the Alaska North Slope and to provide firewood and materials required locally for residential, commercial, mining, and other internal requirements of the Alaska economy. Disposals will not exceed 500,000 board feet in each sale or 25,000 board feet in each free-use permit.

2. The issuance of grazing leases under the Act of March 4, 1927 (44 Stat. 1452, as amended, 48 U.S.C. 471 et seq.), and reindeer permits under the Act of September 1, 1937 (50 Stat. 902, 48 U.S.C. 250m).

WALTER J. HICKEL,
Secretary of the Interior.

SEPTEMBER 16, 1969.

[F.R. Doc. 69-11257; Filed, Sept. 19, 1969; 8:46 a.m.]

Title 45—PUBLIC WELFARE

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

PART 73—STANDARDS OF CONDUCT

Miscellaneous Amendments

Part 73 is amended as follows: Section 73.735-304(b) is amended to correct references and add citation to the Department's policy and procedures on foreign awards in the General Administration Manual: Section 73.735-402(a) is amended to delete subparagraph (1) the general introductory paragraph which is no longer needed and subparagraph (4) concerning expected compensation to correspond with previous deletion of compensation information in requests for approval of outside work; § 73.735-604(a)(2) is amended to add reference to the statute that prescribes a penalty for use of Government automobiles for other than official purposes; § 73.735-904(a)(3) requiring amount of compensation or benefits for outside work is deleted to correspond with previous deletion of compensation information in request for approval of outside work; § 73.735-1002 (b) is amended to correct reference; Appendix A is amended to delete items 25, 35, 37, 38, 39, 41, and 47 which refer to revoked Executive orders, to correct references in items 13 and 24, and to insert a new item 25 concerning activities connected with riots and civil disorders; Appendix C is revised to update the positions incumbents of which must submit statements of employment and financial interests.

Subpart C—Gifts, Entertainment, and Favors

1. Paragraph (b) of § 73.735-304 is amended to read as follows:

§ 73.735-304 Acceptance of awards.

* * * * *

(b) An employee shall not accept a gift, present, decoration or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342 and 22 U.S.C. 2621, 2625. (See General Administration Manual Chapter 20-25 for Department policy and procedures.)

Subpart D—Outside Employment

2. Paragraph (a) of § 73.735-402 is amended to read as follows:

§ 73.735-402 Professional and consultative services.

(a) Employees may engage in outside professional or consultative work only after meeting certain conditions. Except as provided in §§ 73.735-403, 73.735-404, and 73.735-405, the conditions which must be met are:

(1) The work is not to be rendered to organizations, institutions, or State or local governments with which the official duties of the employee are directly related, or indirectly related if the indirect relationship is significant enough to permit existence of conflict or apparent conflict of interest, and

(2) The work is not to be rendered for compensation to help institutions or government units prepare or aid in the preparation of grant applications, contract proposals, program reports, and other material which are designed to become the subject of dealings between the institutions or government units and the Federal Government. All requests to perform consultative services, both compensated and uncompensated, for institutions or government units which have recently negotiated or may in the near future seek a contract or grant from the Federal Government must be carefully appraised to avoid any conflict or apparent conflict of interest.

(3) Advance administrative approval, in accordance with Subpart I of this part must be obtained. Such approval is required whether or not the services are for compensation, and whether or not related to the employee's official duties.

* * * * *

Subpart F—Conduct on the Job

3. Paragraph (a)(2) of § 73.735-604 is amended to read as follows:

§ 73.735-604 Use of Government property.

(a) * * *

(2) Employees may drive or use Government automobiles only on official business. (See item 13 of Appendix A for penalty that attaches for incorrect use.)

Subpart I—Administrative Approval for Certain Activities

§ 73.735-904 [Amended]

4. In § 73.735-904 *Annual reporting* paragraph (a)(3) is deleted.

Subpart J—Statements of Employment and Financial Interest

5. In § 73.735-1002 *Applicability* paragraph (b) is amended by substituting "paragraph (a) (2), (3), or (4)" for "paragraph (a)(5)" to read as follows:

§ 73.735-1002 Applicability.

* * * * *

(b) As new positions are established or duties of other positions change to bring them within the criteria stated in paragraph (a) (2), (3), or (4) of this section and such positions do not fall within the listings already appearing in Appendix C to this part, they shall be identified and reported to the Office of Personnel and Training, Office of the Assistant Secretary for Administration, Office of the Secretary, for inclusion as a part of the regulations in this part through publication in the FEDERAL REGISTER. Exclusion of such positions from this requirement may be made when the operating agency head or his designee determines that the duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests by the incumbent is not necessary because of the degree of supervision and review over the incumbent and the remote and inconsequential effect on the integrity of the Government. Exclusions under this provision must be documented in writing and retained at the level of the determining official.

* * * * *

6. Appendix A "Index to Some Statutes and Executive Orders Related to Conflict of Interest and Other Prohibited Activities" is amended to delete items 25, 35, 37, 38, 39, 41, and 47; to revise item 13 by substituting "31 U.S.C.

635a(c)" for "31 U.S.C. 638(a)(c)"; to revise item 24 by substituting "5 U.S.C. 7351" for "5 U.S.C. 113"; to insert a new item 25 for the deleted one. Items 13, 24, and 25 read as follows:

13. Using or authorizing the use of Government automobiles for other than official purposes (13 U.S.C. 635a(c)).

* * * * *

24. Making or soliciting gifts for official superiors, or accepting gifts from employees receiving a lower salary (5 U.S.C. 7351).

25. Conviction for participating in or organizing or inciting a riot or civil disorder (5 U.S.C. 7313).

7. Appendix C "Additional Positions the Incumbents of Which Must Complete Employment and Financial Interest Statements" is revised to read as follows:

OFFICE OF THE SECRETARY

OFFICE OF FIELD COORDINATION

Regional Director.

OFFICE OF ADMINISTRATION

Deputy Assistant Secretary for Administration.

Executive Office

Executive Officer.
Chief, Supply Operations Branch.
Supervisory Contracting Specialist.

Division of Surplus Property Utilization

Director.
Regional Representatives (Surplus Property Utilization).

Office of General Services

Director.
Deputy Director.
Director, Property Management Branch.
Director, Procurement Management Branch.
All positions GS–13 and above in GS–1102 and GS–2003 series.

ASSISTANT SECRETARY FOR HEALTH AND SCIENTIFIC AFFAIRS

Deputy Assistant Secretary for Health and Scientific Affairs.
Deputy Assistant Secretary for Science.
Special Assistant for Patent Policy.
Special Assistant to Assistant Secretary (Medical and Pharmaceutical Research).
Director of Office of Planning and Program Coordination.

OFFICE OF GENERAL COUNSEL

Deputy General Counsel.
Assistant General Counsel, Business and Administrative Law Division.
Deputy Assistant General Counsel, Business and Administrative Law Division.
Assistant General Counsel, Food, Drug and Environmental Health Division.
Deputy Assistant General Counsel, Food, Drug and Environmental Health Division.
Assistant General Counsel, Public Health Grants and Services Division.
Deputy Assistant General Counsel, Public Health Grants and Services Division.
Legal Adviser, National Institutes of Health.
Legal Adviser, National Communicable Disease Center.
Assistant General Counsel, Civil Rights Division.
Deputy Assistant General Counsel, Civil Rights Division.
Assistant General Counsel, Health Insurance Division.
Deputy Assistant General Counsel, Health Insurance Division.

OFFICE OF THE COMPTROLLER

Audit Agency

All Auditors in positions GS–13 and above.

OFFICE OF EDUCATION

OFFICE OF THE COMMISSIONER

Immediate Office of the Commissioner

Deputy Commissioner.
Associate Commissioner for Federal-State Relations.

INSTITUTE OF INTERNATIONAL STUDIES

Office of the Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.

Division of International Exchange and Training

Director.

Division of Foreign Studies

Director.
Chief, Fellowships and Overseas Projects Branch.

International Services and Research Staff

Director.

OFFICE OF CONSTRUCTION SERVICE

Assistant Commissioner.
Deputy Assistant Commissioner.
Director, Construction Support Division.
Director, Facilities Development Division.

OFFICE OF ADMINISTRATION

Assistant Commissioner.
Director, Contracts and Grant Division.
Contracts and Grants Division, Section Chiefs.

OFFICE OF FIELD SERVICES

Regional Assistant Commissioner.
Director, Urban and Community Education Programs.
Director, Education Research.
Director, Higher Education.
Director, Adult, Vocational, and Library Programs.
MDT Training Officer.
Contracts Officer.
Financial Management Officer.
Regional Engineer.

OFFICE OF PROGRAM PLANNING AND EVALUATION

Assistant Commissioner.
Deputy Assistant Commissioner.
Director, Elementary and Secondary Programs Division.
Director, Post-Elementary and Special Education Programs Division.
Director, Program Support Division.

NATIONAL CENTER FOR EDUCATIONAL STATISTICS

Assistant Commissioner.
Deputy Assistant Commissioner.
Director, Division of Survey Planning and Analysis.
Director, Division of Statistical Information and Studies.
Director, Division of Survey Operations.

BUREAU OF ELEMENTARY AND SECONDARY EDUCATION

Office of the Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.
Director, Program Planning and Evaluation.

Division of Compensatory Education

Director.
Assistant Director.
Chief, Operations Branch.
Chief, Program Development Branch.
Chief, Follow Through Branch.

Division of School Assistant in Federally Affected Areas

Director.
Chief, Technical Operations Branch.
Chief, Field Operations Branch.

Division of Equal Educational Opportunities

Director.
Deputy Director.
Chief, East Coast Branch.
Chief, Southern Branch.
Chief, Southwestern Branch.
Chief, Northern-Western Branch.

Division of State Agency Cooperation

Director.
Assistant Director.
Chief, Program Management Branch.
Chief, Development Staff.
Chief, Western Program Operations Branch.
Chief, Southeast Program Operations Branch.
Chief, Upper Midwest Program Operations Branch.
Chief, Mid-Continent Program Operations Branch.
Chief, Northeast Program Operations Branch.

Division of Plans and Supplementary Centers

Director.
Chief, Program Analysis and Dissemination Branch.
Chief, Grants Management Branch.
Chief, Demonstration Projects Branch.
Chief, State Plans Branch.
Chief, Pupil Personnel Services Branch.

BUREAU OF ADULT, VOCATIONAL, AND LIBRARY PROGRAMS

Immediate Office of the Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.
Program Evaluation Officer.

Division of Manpower Development and Training

Director.
Assistant Director.
Chief, State Programs and Services Branch.
Chief, National Programs and Services Branch.

Division of Adult Education Programs

Director.
Chief, Adult Education Branch.
Chief, Civil Defense Education Branch.
Chief, Community Services and Continuing Education Branch.

Division of Vocational and Technical Education

Director.
Deputy Director.
Chief, Service Branch.
Chief, Development Branch.
Chief, Planning and Evaluation Branch.
Chief, Pilot and Demonstration Branch.

Division of Library Services and Educational Facilities

Director.
Chief, Library Program and Facilities Branch.
Chief, Library Training and Resources Branch.
Chief, Library Planning and Development Branch.
Chief, Library and Information Science Branch.

Educational Broadcasting Facilities Program

Director.

BUREAU OF HIGHER EDUCATION

Immediate Office of the Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.
Chief, Program Planning and Reports Staff.

Division of Graduate Programs

Director.
Chief, Graduate Facilities Branch.
Chief, Graduate Academic Programs Branch.

Division of College Support

Director.
Assistant Director.
Chief, Developing Institutions Branch.
Chief, Personnel Development Branch.

Division of Student Financial Aid

Director.
Assistant Director.
Chief, Loans Branch.
Chief, Work-Study Branch.
Chief, Insured Loans Branch.
Chief, Educational Opportunity Grants Branch.

Division of College Facilities

Director.
Assistant Director.
Chief, Program Operations Branch.

Division of Student Special Services

Director.

BUREAU OF EDUCATION FOR THE HANDICAPPED

Immediate Office of the Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.
Planning and Evaluation Officer.

Division of Educational Services

Director.
Chief, Aid to States Branch.
Chief, Media Services and Captioned Films Branch.
Chief, Projects Centers Branch.

Division of Training Programs

Director.
Chief, Mental Retardation Branch.
Chief, Communication Disorders Branch.
Chief, Special Learning Problems Branch.

Division of Research

Director.
Chief, Projects and Program Research Branch.
Chief, Research Laboratories and Demonstration Branch.
Chief, Curriculum and Media Branch.

BUREAU OF RESEARCH

Immediate Office of the Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.
Program Planning and Evaluation Officer.

Arts and Humanities Program

Director.

Division of Educational Laboratories

Director.
Chief, Laboratory Branch.
Chief, Research and Development Centers Branch.

Division of Elementary and Secondary Education Research

Director.
Chief, Basic Studies Branch.
Chief, Instructional Materials and Practices Branch.
Chief, Organization and Administration Studies Branch.

Regional Research Program

Director.

Division of Information Technology and Dissemination

Director.
Chief, Educational Resources Information Centers.
Chief, Library and Information Sciences Research Branch.
Chief, Equipment Development Branch.
Chief, Research Utilization Branch.

Division of Higher Education Research

Director.
Chief, Basic Studies Branch.
Chief, Instructional Materials and Practices Branch.
Chief, Organization and Administration Studies Branch.
Chief, Research Training Branch.

Division of Comprehensive and Vocational Education Research

Director.
Chief, Basic Studies Branch.
Chief, Instructional Materials and Practices Branch.
Chief, Organization and Administration Studies Branch.
Chief, Career Opportunities Branch.

BUREAU OF EDUCATIONAL PERSONNEL DEVELOPMENT

Associate Commissioner.
Deputy Associate Commissioner.

Teacher Corps

Director.
Deputy Director.
Chief, Programs Branch.
Chief, Corps Member Services Branch.

Division of College Programs

Director.
Assistant Director.
Chief, Basic Studies Branch.
Chief, Trainers of Teacher Trainers Branch.
Chief, Educational Leadership Development Branch.
Chief, Educational Administration Branch.
Chief, Support Personnel Branch.

Division of School Programs

Director.
Chief, Vocational Education Training Branch.
Chief, Staff Development Branch.
Chief, State Programs Branch.
Chief, Career Opportunities Branch.
Chief, Special Education Training Branch.

Division of Assessment and Coordination

Director.
Program Planning Officer.

Division of Program Resources

Director.

CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

OFFICE OF THE ADMINISTRATOR

Immediate Office

Administrator.

Legislative Affairs

Special Assistant.

DEPUTY ADMINISTRATOR

Immediate Office

Deputy Administrator.

Grants Policy Management

Grants Management Officer.
Grants Management Specialist.

Standards and Compliance

Standards and Compliance Officer.

Regional Offices

All Regional Assistant Administrators.

ASSOCIATE ADMINISTRATOR

Immediate Office

Associate Administrator.

Intergovernmental Affairs

Special Assistant.

ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT

Immediate Office

Assistant Administrator.
Deputy Assistant Administrator.

ASSISTANT ADMINISTRATOR FOR PROGRAM DEVELOPMENT

Immediate Office

Assistant Administrator.
Deputy Assistant Administrator.

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Immediate Office

Assistant Administrator.
Deputy Assistant Administrator.

Division of Accounting

Office of the Director.
Director.
Deputy Director.
Cost Advisory Branch.
Cost Accountant.

Division of Administrative Services

Office of the Director.
Director.

Division of Budget

Office of the Director.
Director.
Deputy Director.
Facility Management.
All.

Division of Management Systems

Office of the Director.
Director.

Systems Planning and Management Analysis

Management Analysis Officer.

Division of Procurement and Supply Management

Office of the Director.
Director.
Deputy Director.
GS—1102–13 and Above Procurement Analysts.
Contract Cost Advisory Branch.
GS–13 and above Accountants.

ENVIRONMENTAL CONTROL ADMINISTRATION

Office of the Commissioner

Commissioner.
Deputy Commissioner.
Special Assistant to the Commissioner.
Assistant Commissioner for Training and Manpower Development.
Special Assistant to the Commissioner for Regional Operations.
Assistant Commissioner for Program Development.
Assistant Commissioner for Program Development.
Director, Office of Public Information and Education.
Executive Officer.
Deputy Executive Officer.
Administrative Operations Officer.
Positions in GS–1102–13 and above.

Office of Grants Management

Director.
Deputy Director.
Program Coordinator.
Chief, Grants Management Branch.
Chief, Review Branch.
Executive Secretaries, Study Section.

Bureau of Community Environmental Management

Bureau Director.
Deputy Bureau Director.
Associate Bureau Director.
Program Officer.
Executive Officer.
Research Development Officer.
Grants Management and Programing Officer.
Special Assistant (Vector Control).
Special Assistant (Injury Control).
Special Assistant (Housing and Urban Planning).
Special Assistant (Ecology Centers).
Chief, Division of Environmental Improvement.
Chief, Community Environmental Health Branch (Acting).
Chief, Injury Control Branch (Acting).
Chief, Insect and Rodent Control Branch (Acting).
Deputy Chief, Insect and Rodent Control Branch (Acting).
Program Chief, Arctic Health Field Research Unit.
Associate Chief, Arctic Health Field Research Unit.
Administrative Management Officer, Arctic Health Field Research Unit.
Chief, Divisdon of Planning and Standards.
Deputy Chief, Division of Planning and Standards.
Chief, Injury Control Research Laboratory.
Deputy Chief, Injury Control Research Laboratory.
Chief, Housing and Urban Planning Branch.

Bureau of Radiological Health

Director.
Deputy Director.
Associate Director.
Associate Director (Regional Operations).
Assistant Director (Industry).
Assistant Director (Military).
Assistant Director (Radiology).
Assistant Director (Training).
Executive Officer.
Information Officer.
Chief, Office of Criteria and Standards.
Deputy Chief, Office of Criteria and Standards.
Chief, Division of Biological Effects.
Deputy Chief, Division of Biological Effects.
Branch Chiefs, Division of Biological Effects.
Chief, Division of Electronic Products.
Deputy Chief, Division of Electronic Products.
Associate Chief, Division of Electronic Products.
Branch Chief, Division of Electronic Products.
Chief, Division of Medical Radiation Exposure.
Deputy Chief, Division of Medical Radiation Exposure.
Branch Chiefs, Division of Medical Radiation Exposure.
Chief Program Officer.
Chief, Compliance Officer.
Chief, Division of Environmental Radiation.
Deputy Chief, Division of Environmental Radiation.
Branch Chiefs, Division of Environmental Radiation.
Directors, Deputy Directors, and Management Officers GS–13 and above of BRH Laboratories.

Bureau of Occupational Safety and Health

Director.
Assistant Director.
Executive Officer.
Chief, Division of Criteria and Standards.
Chief, Division of Occupational Injury and Disease Controls.
Chief, Division of Epidemiology and Special Services.

Bureau of Solid Waste Management

Director.
Deputy Director.
Assistant to the Director.
Assistant Bureau Director for Information.
Executive Officer.
Assistant Bureau Director for Program Development.
Assistant Bureau Director for Cincinnati Operations.
Chief, Division of Demonstration Operations.
Chief, Division of Research and Development.
Chief, Division of Technical Operations.
Deputy Chief, Division of Technical Operations.
Deputy Chief, Division of Research and Development.
Deputy Chief, Division of Demonstration Operations.

Bureau of Water Hygiene

Director.
Deputy Director.
Executive Officer.
Program Officer.
Chief, Division of Criteria and Standards.
Chief, Division of Technical Operations.
Chief, Division of Epidemiology and Biometries.
Director, Cincinnati Laboratory.
Director, Northeastern Water Hygiene Laboratory.
Director, Gulf Coast Water Hygiene Laboratory.
Director, Northwestern Water Hygiene Laboratory.
Administrative Officer, Northeastern Water Hygiene Laboratory.
Grant Program Officers—ECA-wide.
Contract Project Officers—ECA-wide.

FOOD AND DRUG ADMINISTRATION

Office of Commissioner.

Immediate Office of the Commissioner

Deputy Commissioner.
Hearing Examiner.
Committee Management Officer.

Office of Assistant Commissioner for Field Coordination

All Food and Drug Officers, GS–15 and 14.

Office of Legislative and Governmental Services

Director Legislative and Governmental Services.

Office of the Associate Commissioner for Science

Extramural Research Administrator, 602–17.
Pharmacologist, GS–15.

Office of the Associate Commissioner for Compliance

Associate Commissioner for Compliance.
Deputy Associate Commissioner for Compliance.
All Food and Drug Officers, GS–15, 14, and 13.

Office of the Assistant Commissioner for Administration

Executive Officer.
Deputy Executive Officer.
Director, Division of General Services.
Deputy Director, Division of General Services.
All positions GS–13 and above in the 1102 Contract and Procurement Series.

BUREAU OF VOLUNTARY COMPLIANCE

Director, Bureau of Voluntary Compliance.

BUREAU OF MEDICINE

All GS–15 and above position.
Assistant Director for Medical Advertising.

BUREAU OF VETERINARY MEDICINE (EXCLUDING BELTSVILLE ACTIVITY)

All Veterinarians, GS–14 and above.
All Chemists, GS–14 and above.

BUREAU OF REGULATORY COMPLIANCE

Director, Bureau of Regulatory Compliance.
Deputy Director, Bureau of Regulatory Compliance.
Director, Division of Case Guidance
Deputy Director, Division of Case Guidance.
Chief, Drug Case Branch.
Chief, Food Case Branch.
Chief, Shellfish Sanitation Branch.

BUREAU OF SCIENCE

Director, Bureau of Science.
Deputy Director, Bureau of Science.
Assistant Director for Biological Sciences Research.
Assistant Director for Physical Sciences Research.
Assistant Director for Program Management.
Assistant Director for Regulatory Programs.
Chief, Petitions Control Branch.

Division of Colors and Cosmetics

Director.
Deputy Director.
Assistant to the Director.
All Branch Chiefs.

Division of Food Chemistry and Technology

Director.
Deputy Director.
Assistant to the Director.
All Branch Chiefs.

Division of Microbiology

Director.
Deputy Director.
Assistant to the Director.
All Branch Chiefs.

Division of Pharmacology and Toxicology

Director.
Deputy Director.
All Branch Chiefs.
Review Scientists, GS–14.

Division of Pesticides

Director.
Deputy Director.
All Branch Chiefs.

Division of Nutrition

Director.
Deputy Director.
Assistant to the Director.
Chief, Special Dietary Foods Branch.
Chief, Vitamin Analysis Section.

DISTRICT OFFICES

Director.
Deputy Director.
Food and Drug Officers, GS–13 and above.
Chief Chemists, GS–1320–14.
Supervisory Inspectors, GS–696–13 and above.

NATIONAL AIR POLLUTION CONTROL ADMINISTRATION

Commissioner.
Deputy Commissioner.
Associate Commissioner.
Director, Office of Manpower Development.
Director, Office of Technical Information and Publications.
Director, Office of Research Grants.
Assistant Commissioner, Office of Science and Technology.
Assistant Commissioner, Office of Program Development.

Assistant Commissioner, Office of Standards and Compliance.
Director, Office of Administration.
Assistant Director.
Chief, General Services Branch.
Chief, Negotiated Contracts Section.
Chief, Purchase and Contracts Section.
Chief, Supply and Property Section.
Director, Office of Education and Information.
Director, Bureau of Criteria and Standards.
Deputy Director.
Chief, Office of Criteria and Standards.
Executive Officer.
Director, Division of Air Quality and Emission Data.
Director, Division of Economic Effects Research.
Director, Division of Health Effects Research.
Director, Bureau of Engineering and Physical Sciences.
Deputy Director.
Executive Officer.
Director, Division of Chemistry and Physics.
Director, Division of Meteorology.
Director, Division of Motor Vehicle Research and Development.
Director, Division of Process Control Engineering.
Director, Bureau of Abatement and Control.
Assistant Director.
Assistant to the Director.
Executive Officer.
Director, Division of Abatement.
Director, Division of Control Agency Development.
Deputy Director.
Director, Division of Motor Vehicle Pollution Control.
Deputy Director.
Chief, West Coast Field Station.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

Associate Administrator.
Assistant Administrator for Legislation.
Assistant Administrator for Management.
Deputy Assistant Administrator for Management.
Director, Office of Grants Management.
Regional Health Directors.

Office of Financial Management

Director.
Deputy Director.
Chief, Cost Advisory Branch.
Assistant Chief, Cost Advisory Branch.

Office of Procurement and Material Management

Director.
Chief, Material Management Branch.
Chief, Procurement Branch.
Officer in Charge, Supply Service Center.
Procurement Agent, Supply Service Center.
Positions in the GS–1102 series at grades 13 and above.

NATIONAL CENTER FOR HEALTH SERVICES RESEARCH AND DEVELOPMENT

Director.
Deputy Director.
Executive Officer.
Assistant Executive Officer.
Associate Director, Program Development.
Deputy Associate Director, Program Development.
Program Management Officer, Program Development.
Associate Director, Office of Grants and Contracts Review and Management.
Director, Review Branch.
Contract Review Officer.
Director, Management Branch.
All project officers involved in grant and contract activities at grades GS–13 and above.

REGIONAL MEDICAL PROGRAMS SERVICE

Division of Chronic Disease Programs

Director.
Deputy Director.
Executive Officer.
Assistant Executive Officer.
Chief, Office of Grants Management and Coordination.
Assistant Chief, Office of Grants Management and Coordination.

Division of Regional Medical Programs

Director.
Deputy Director.
Executive Officer.
Financial Management Officer.
Grants Management Officer.
Chief, Grants Review Branch.

COMMUNITY HEALTH SERVICE

Director.
Deputy Director.
Assistant Directors.
Executive Officer.
Director, Division of Health Care Services.
Associate Director, Division of Health Care Services.
Coordinator for Rural and Migrant Health.
Director, Division of Comprehensive Health Planning.
Chief, Grants and Contracts, Division of Analysis and Evaluation.

INDIAN HEALTH SERVICE

Director.
Deputy Director.
Executive Officer.
Assistant Executive Officer.
Indian Health Area Office Directors, Executive Officers, and General Services Officers: Aberdeen, Albuquerque, Anchorage, Mount Edgecumbe, Billings, Oklahoma City, Phoenix, Portland.

FEDERAL HEALTH PROGRAMS SERVICE

Director.
Deputy Director.
Executive Officer.
Assistant Executive Officer.
Director, Hospital Administrative Officer, and General Services.
Officer, USPHS Hospitals: Baltimore, Boston, Carville, Detroit, Galveston, New Orleans, Norfolk, San Francisco, Savannah, Seattle, Staten Island.
Director, Division of Federal Employee Health.
Executive Officer, DFEH.
Medical Director, Prison Medical Services.
Director, Division of Emergency Health Services.
Deputy Director, DEHS.
Assistant Director for Engineering.
Executive Officer, DEHS.
Assistant Executive Officer.
Chief, Training Branch.
Statistician, Health Resources and Research Branch.
Public Health Advisor, Training Branch.
Principal Regional Representatives, DHEW Regional Offices.

HEALTH FACILITIES PLANNING AND CONSTRUCTION SERVICE

Director.
Deputy Director.
Executive Officer.
General Services Officer.
Assistant Director for Plans and Policies.
Education Officer.
Director and Deputy Director, Architectural, Engineering and Equipment Office.
Director and Deputy Director, Office of State Plans.
Medical Officer (Administration), Office of State Plans.
Public Health Advisor, Office of Director of State Plans.
Director and Deputy Director, Office of Program Planning and Analysis.
Health Administration Advisor.
Principal Regional Representatives, DHEW Regional Offices.

NATIONAL COMMUNICABLE DISEASE CENTER

Director.
Deputy Director.
Assistant Director.
Executive Officer.
Assistant Executive Officer.
Chief, Office of Research Grants.
Deputy Chief, Office of Research Grants.
Director, Foreign Quarantine Program.
Deputy Director, Foreign Quarantine Program.
Director, State and Community Services Division.
Chief, Immunization Branch.
Chief, Tuberculosis Branch.
Chief, Venereal Disease Branch.
Director, Laboratory Division.
Assistant Director, Laboratory Division.
Chief, Licensure and Development Branch.
Chief, Licensure and Performance Evaluation Section.
Assistant Chief, Licensure and Performance Evaluation Section.
Chief, Field Examination Activity Licensure and Performance Evaluation Section.
Chief, Biological Reagents Section.
Chief, Laboratory Consultation and Development Section.
Scientist Administrator, Laboratory Consultation and Development Section.
Chief, Management Consultation Unit, Laboratory Consultation and Development Section.
Chief, Administrative Services Branch.
Deputy Chief, Administrative Services Branch.
Chief, Negotiated Contracts Activity.
Contract Administrator.
Contract Specialist.
Chief, Contracts and Purchases Section.

NATIONAL INSTITUTE OF MENTAL HEALTH

Director, Deputy Director, Assistant Director, Assistant to Director, National Center for Mental Health Services, Training and Research.
Superintendent, Assistant Superintendent, and First Assistant Physician, Saint Elizabeths Hospital.
Executive Officer and Assistant Executive Officer, Saint Elizabeths Hospital.
Chiefs and Directors of Clinical Divisions and Departments, Saint Elizabeths Hospital.
Director, Laboratory Branch, Saint Elizabeths Hospital.
Procurement Officer, Saint Elizabeths Hospital.

NATIONAL INSTITUTES OF HEALTH

Office of the Director

Deputy Director.
Deputy Director for Science.
Associate Director for Extramural Research and Training.
Associate Director for Direct Research.
Associate Director for Clinical Care Administration.
Associate Director for Program Planning and Evaluation.
Associate Director for Administration.
Assistant Director for Collaborative Research.
Deputy Associate Director for Administration.

Institutes and Research Divisions, Division of Research Services, and Division of Research Grants

Director.
Deputy Director.

Associate Director.
Assistant Director.
Executive Officer.
Assistant Executive Officer.
Positions at GS–14 or 15, or those held by Director grade officers, whose incumbents are engaged in making judgments or determinations which materially affect the awarding and monitoring of grants and fellowships.
Project and administrative officers responsible for negotiating, supervising, accepting, and terminating research contracts, GS–13 or above.
Procurement, Contract, and administrative officers who are required to exercise judgment in making a Government decision to purchase, contract, and accept material and/or services from non-Government entities, GS–13 or above.
Accountants and auditors, GS–13 or above, who are required to exercise judgment in making a Government decision concerning a proposed contractor's financial ability, and the propriety of payments during the course of contract administration.
Engineering positions and positions in the 1640 series in the Division of Research Services, GS–13 or above, and engineering positions in the National Institute of Environmental Sciences, GS–13 or above, whose incumbents are authorized to approve contract change orders and determine acceptability of a contractor's performance.
Positions in the Division of Biologics Standards whose incumbents make independent inspections of establishments subject to Federal controls and are the recommending agents for approval of licenses, labels and/or products, GS–13 or above.

Bureau of Health Professions Education and Manpower Training

Office of the Bureau Director.

Director.
Deputy Director.
Associate Director.
Executive Officer.
Deputy Executive Officer.
Supervisory Contract Administrator.
Contract Specialist.

Division of Nursing

Director.
Deputy Director.
Executive Officer.
Chief, Research Grants Branch.
Chief, Nurse Education and Training Branch.

Division of Health Manpower Educational Services

Director.
Deputy Director.
Executive Officer.
Chief, Health Manpower Grants Branch.
Chief, Student Loan and Scholarship Branch.

Division of Physician Manpower

Director.
Deputy Director.
Executive Officer.
Grants Management Officer, Educational Facilities Branch.
Chief, Physician Education Branch.
Chief, Continuing Education Branch.

Division of Allied Health Manpower

Director.
Assistant Director for Planning and Operations.
Chief, Educational Program Development Branch.
Chief, Manpower Resources Branch.
Chief, Program Assistance Branch.

Division of Dental Health

Director.
Deputy Director.
Executive Officer.
Chief, Research Grants Unit.
Chief, Education and Facilities Branch.

National Library of Medicine

Director.
Deputy Director.
Executive Officer.
Assistant Executive Officer.
Contract Management Officer.
Grants and Contracts Management Officer, Extramural Programs.
Office Services Manager.

SOCIAL AND REHABILITATION SERVICE

Office of the Administrator

Deputy Administrator.
Associate Administrator.
Confidential Assistant to the Administrator.
Assistant Administrator for Field Operations.
Regional Commissioner, Region I.
Regional Commissioner, Region II.
Regional Commissioner, Region III.
Regional Commissioner, Region IV.
Regional Commissioner, Region V.
Regional Commissioner, Region VI.
Regional Commissioner, Region VII.
Regional Commissioner, Region VIII.
Regional Commissioner, Region IX.
Assistant Administrator for Administration.
Deputy Assistant Administrator for Administration.
Director, Finance Division.
Director, General Services Division.
All positions GS–13 and above in GS–1102 series.
Director, Management Systems Division.
Director, Data Processing Division.

Office of Research, Demonstrations and Training

Assistant Administrator.
Deputy Assistant Administrator.
Program Management Officer.
Chief, Research and Demonstrations Division.
Deputy Chief, Research and Demonstrations Division.
Chief, Intramural Research Division.
Deputy Chief, Intramural Research Division.
Chief, Division of Grants Management.
Grants Management Officer.
Chief, Division of Research and Training Centers.
Chief, Division of International Activities.
Assistant Chief, Research, Division of International Activities.
Assistant Chief, Training, Division of International Activities.
Chief, Division of Manpower Development and Training.

Office of Juvenile Delinquency and Youth Development

Director.
Deputy Director.

Cuban Refugee Program

Director.
Deputy Director.

Administration on Aging

Deputy Commissioner.
Associate Commissioner.
Executive Officer.
Director, Division of Older Americans Services.
Director, Research and Demonstrations Staff.
Director, Training Grants Staff.
Director, Foster Grandparent Program Staff.

Children's Bureau

Deputy Chief.
Associate Chief.
Assistant Chief.
Executive Officer.
Director, Division of Health Services.
Chief, Administrative Methods Branch, Division of Health Services.
Director, Division of Family and Child Welfare Services.
Assistant Director, Division of Family and Child Welfare Services.
Chief, Program Operations Branch, Division of Family and Child Welfare Services.
Director, Division of Research.
Associate Director, Division of Research.
Administrative Officer, Division of Research.
Director, Work and Training Division.

Rehabilitation Services Administration

Associate Commissioner.
Executive Officer.
Director, Mental Retardation Division.
Director, Rehabilitation Training Division.
Director, Rehabilitation Facilities and Workshops Division.
Director, State Plans and Projects Division.

Assistance Payments Administration

Commissioner.
Deputy Commissioner.
Assistant Commissioner for Field Services.
Executive Officer.

Medical Services Administration

Commissioner.
Deputy Commissioner.
Executive Officer.
Director, Health Services Division.
Director, Medical Program Evaluation Division.
Director, Medical Program Management Division.
Director, Medical Program Planning and Development Division.

SOCIAL SECURITY ADMINISTRATION

OFFICE OF COMMISSIONER

Office of Commissioner, Field

Assistant Commissioner, Field.
Deputy Assistant Commissioner, Field.
Regional Commissioner.

OFFICE OF THE ACTUARY

Chief Actuary.

OFFICE OF ADMINISTRATION

Office of Assistant Commissioner

Assistant Commissioner.
Deputy Assistant Commissioner.

Employee Management Relations and Equal Employment Opportunity Staff

Civil Rights and Labor Relations Administrator.

Division of Systems Coordination and Planning

Director.
Deputy Director.
Digital Computer Systems Officer.
Chief, Systems Controls and Standards Branch.

Division of Operating Facilities

Director.
Deputy Director.
Deputy Director (Realty and Space).
Chief, Property Management Branch.
Deputy Chiefs, Property Management Branch.
Chief, Contract and Purchase Section.
Chief, Receiving, Storage and Issue Section.
Chief, Equipment Management Section.
Chief, Inventory Management Section.
Contract Specialist.
Chief, Printing and Records Management Branch.
Deputy Chief, Printing and Records Management Branch.
Printing Officer.
Chief, Graphics Section.
Chief, Management Services Branch.

OFFICE OF INFORMATION

Assistant Commissioner for Public Affairs.

OFFICE OF PROGRAM EVALUATION AND PLANNING

Assistant Commissioner.

OFFICE OF RESEARCH AND STATISTICS

Assistant Commissioner.
Chief, Research Grants Staff.

BUREAU OF DATA PROCESSING AND ACCOUNTS

Director (Bureau).
Deputy Director (Bureau).
Deputy Assistant Bureau Director.
Assistant Bureau Director.
Assistant to the Director (Health Insurance).
Director (Division).
Deputy Director (Division).
Social Insurance Operations Advisor (GS–15).
Supervisory Computer Systems Analyst (GS–14).
Supervisory Communications Specialist (GS–13).
Micro-Photographic Systems Analyst.

BUREAU OF DISABILITY INSURANCE

Office of the Director

Director.
Deputy Director.
Executive Officer.
Technical Advisor.

Division of Management and Appraisal

Assistant Bureau Director.
Deputy Assistant Bureau Director.

Division of Disability Policy and Procedures

Assistant Bureau Director.
Chief, Systems and Procedures Branch.

Office of Assistant Bureau Director, Disability Operations

Assistant Bureau Director, Operations.

BUREAU OF DISTRICT OFFICE OPERATIONS

Director.
Deputy Director.

BUREAU OF FEDERAL CREDIT UNIONS

Director.
Deputy Director.
Director, Division of Administration.

BUREAU OF HEALTH INSURANCE

Office of the Bureau Director

Bureau Director.
Deputy Bureau Director.
Assistant to the Bureau Director.
Chief Medical Officer.
Field Liaison Officer.

Professional Organizations Liaison Staff

Supervisory Professional Relations Specialist.

Division of Management

Assistant Bureau Director.
Administrative Management Officer (GS–14).
Administrative Officer (GS–13).

Regional Staff

Social Insurance Administrator (GS–14, 15).

Division of Reimbursement

Assistant Bureau Director.
Deputy Assistant Bureau Director.
Medical Insurance Reimbursement Administrator (GS–14, 15).
Supervisory Social Insurance Reimbursement Specialist (GS–14).
Supervisory Accountant (GS–14, 15).
Accountant (GS–14).

Division of Policy and Standards

Assistant Bureau Director.
Deputy Assistant Bureau Director.
Supervisory Social Insurance Specialist (GS–14, 15).
Hospital Insurance Determinations Review Officer (GS–14).
Hospital Insurance Reimbursement Administrator (GS–15).

Division of Intermediary Operations

Assistant Bureau Director.
Deputy Assistant Bureau Director.
Supervisory Contract Operations Specialist (GS–14, 15).
Supervisory Contract Evaluation Specialist (GS–14, 15).
Supervisory Audit Review Specialist (GS–14).
Supervisory Fiscal Control Specialist (GS–14, 15).

Division of State Operations

Assistant Bureau Director.
Deputy Assistant Bureau Director.
Social Insurance Advisor (GS–15).
Supervisory State Agency Operations Analyst (GS–15).

Division of Systems

Assistant Bureau Director.
Deputy Assistant Bureau Director.

BUREAU OF HEARINGS AND APPEALS

Office of the Director

Director.
Deputy Director.

BUREAU OF RETIREMENT AND SURVIVORS INSURANCE

Office of the Director

Director.
Deputy Director.
Executive Officer.

Office of the Assistant Bureau Director (Administration)

Assistant Bureau Director.
Deputy Assistant Bureau Director.
Chief, Administrative Management Branch.
Chief, Operating Services Section.

Division of Methods and Procedures

Assistant Bureau Director.
Deputy Assistant Bureau Director.

Payment Center Staff

Regional Representative.
Director of Management.
Assistant Director of Management.
Chief, Administrative Services Branch.
Director of Operations.

These amendments were approved by the Civil Service Commission on July 17, 1969, and are effective on publication in the FEDERAL REGISTER.

Dated: September 16, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–11294; Filed, Sept. 19, 1969; 8:48 a.m.]

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

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Subpart A—General Administration

AGREEMENTS WITH PROVIDERS OF SERVICES

Part 250, Subpart A, is amended by adding a new § 250.21 as follows:

§ 250.21 State plan requirements: agreements with providers.

A State plan for medical assistance under Title XIX of the Social Security Act must provide for agreements with every person or institution providing services under the State plan under which such person or institution agrees:

(a) To keep such records as are necessary fully to disclose the extent of the services provided to individuals receiving assistance under the State plan; and

(b) To furnish the State agency with such information, regarding any payments claimed by such person or institution for providing services under the State plan, as the State agency may from time to time request.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

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

Dated: August 19, 1969.

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

Approved: September 16, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–11293; Filed, Sept. 19, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

National Wildlife Refuges in Illinois, Minnesota, and North Dakota

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Chautauqua National Wildlife Refuge, Ill., is permitted from October 25 through November 30, 1969, and the hunting of ducks and coots is permitted from November 1 through November 30, 1969, but only on the area designated by signs as open to hunting. This open area comprising 745 acres, is delineated on a map available at refuge headquarters, Havana, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) *Blinds.* Temporary blinds of approved material may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which

govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1969.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Tamarac National Wildlife Refuge, Minn., is permitted from October 4, 1969, through November 12, 1969, and the hunting of geese is permitted from October 4, 1969, through December 12, 1969, but only on the area designated by signs as open to hunting. This open area, comprising 9,000 acres, is delineated on a map available at the refuge headquarters, Rochert, Minn. 56578, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 12, 1969.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of geese on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from October 1 through December 25, 1969, and the hunting of ducks and coots is permitted from October 4 through November 12, 1969, and the hunting of common snipe (Wilson's) is permitted from October 1 through November 1, 1969, but only on the area designated by signs as open to hunting. This open area, comprising 2,850 acres, is delineated on a map available at the refuge headquarters, Upham, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) *Blinds.* Temporary blinds of approved material may be constructed.

(2) *Retrieving zones.* Retrieving zones will be designated by signs. Possession of firearms in retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 25, 1969.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 10, 1969.

[F.R. Doc. 69-11298; Filed, Sept. 19, 1969; 8:48 a.m.]

PART 32—HUNTING

Quivira National Wildlife Refuge, Kans.

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

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

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants, bobwhite, squirrel, rabbits, and crows on the Quivira National Wildlife Refuge, Kans., is permitted only in the areas open to waterfowl hunting. These areas, comprising 7,990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of ring-necked pheasants, bobwhite, squirrel, rabbits, and crows October 4, 1969 through January 15, 1970, inclusive, subject to the following special conditions:

(1) The use of rifles is prohibited for taking squirrel, rabbits, and crows.

(2) The hunting of any species after sunset is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1970.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

SEPTEMBER 15, 1969

[F.R. Doc. 69-11288; Filed, Sept. 19, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Trichlorobenzyl Chloride

A petition (PP 9F0791) was filed with the Food and Drug Administration by the Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63116, proposing the establishment of tolerances for negligible residues of the herbicide trichlorobenzyl chloride and its metabolite trichlorobenzoic acid in or on the raw agricultural commodities corn forage and fodder (including field corn, popcorn, and sweet corn) at 0.1 part per million; in eggs and in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 part per million; and in milk and in or on corn grain including field corn, popcorn, and sweet corn (kernels plus cob with husk removed) at 0.02 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since residues of the pesticide are not reasonably expected to transfer to eggs, meat, milk, and poultry from the proposed use, tolerances regarding these items are unnecessary. The usage is classified in the category specified in § 120.6 (a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(4) is amended by alphabetically inserting in the list of chlorinated organic pesticides two new items, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(4) * * *

Trichlorobenzoic acid.
Trichlorobenzyl chloride.

* * * * *

2. The following new section is added to Subpart C:

§ 120.273 Trichlorobenzyl chloride; tolerances for residues.

Tolerances are established for negligible residues of the herbicide trichlorobenzyl chloride and its metabolite trichlorobenzoic acid in or on raw agricultural commodities as follows:

0.1 part per million in or on corn forage and fodder (including field corn, popcorn, and sweet corn).

0.02 part per million in or on corn grain including field corn, popcorn, and sweet corn (kernels plus cob with husk removed).

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. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 15, 1969.

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

[F.R. Doc. 69-11249; Filed, Sept. 19, 1969; 8:45 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Phorate

A petition (PP 8F0673) was filed with the Food and Drug Administration by the American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of a tolerance of 0.5 part per million for residues of the insecticide phorate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity potatoes.

Subsequently, the petitioner amended the petition to request the following tolerances: 0.5 part per million in or on potatoes; 0.05 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep; 0.02 part per million (negligible residue) in milk.

Based on consideration given the data submitted in the petition and other relevant materials, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.206 is revised to read as follows to establish the subject tolerances:

§ 120.206 Phorate; tolerances for residues.

Tolerances are established for residues of the insecticide phorate (*O,O*-diethyl *S*-(ethylthio) methyl phosphorodithioate), and its cholinesterase-inhibiting metabolites, in or on raw agricultural commodities as follows:

3 parts per million in or on sugar beet tops.

0.5 part per million in or on corn forage and potatoes.

0.3 part per million in or on sugar beet roots.

0.1 part per million in or on corn grain, sweet corn (kernels plus cob with husk removed), lettuce, peanuts, and rice.

0.05 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

0.02 part per million (negligible residue) in milk.

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. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 15, 1969.

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

[F.R. Doc. 69-11248; Filed, Sept. 19, 1969; 8:45 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Borax and Boric Acid

Acting on a request received from Sunkist Growers, Ontario, Calif. 91764, an association of citrus growers in California and Arizona, the Commissioner of Food and Drugs proposed in the FEDERAL REGISTER of May 30, 1969 (34 F.R. 8372), that a tolerance be established for naturally occurring boron and residues of boron from postharvest application of the fungicides borax (sodium tetraborate decahydrate) and boric acid in or on the raw agricultural commodity citrus fruits at 8 parts per million.

In response to the proposal:

1. A comment was received suggesting that the tolerance be restricted to residues of borates or boric acid with allowances for naturally occurring boron.

2. No requests were received for referral of the proposal to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Having considered the data submitted in the request from the association, the comment received on the proposal, and other relevant information, the Commissioner of Food and Drugs concludes that the tolerance should be established as proposed.

Therefore, pursuant to the provisions of the act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Subpart C of Part 120:

§ 120.271 Borax and boric acid; tolerances for residues.

A tolerance of 8 parts per million is established for total boron in or on citrus fruits, such tolerance to be calculated as elemental boron and to cover residues from the postharvest application of the fungicides borax and boric acid to, plus the naturally occurring boron in, citrus fruits.

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. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: September 12, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-11246; Filed, Sept. 19, 1969; 8:45 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

Aldicarb

A. A petition (PP 9F0798) was filed with the Food and Drug Administration by Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017, proposing the establishment of a tolerance of 0.1 part per million for residues of the insecticide aldicarb (2-methyl-2-methylthio) propionaldehyde *O*-(methylcarbamoyl) oxime) and its cholinesterase-inhibiting metabolites 2-methyl-2-methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl) oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde *O*-(methylcarbomoyl) oxime in or on the raw agricultural commodity cottonseed.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerance is being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since there is no reasonable expectation for such residues to occur in eggs, meat, milk, and poultry from the proposed use, tolerances regarding these items are unnecessary. The usage is in the category specified in § 120.6(a)(3).

2. The tolerance established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

Aldicarb (2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl) oxime) and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl) oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde *O*-(methylcarbamoyl) oxime.

* * * * *

2. The following new section is added to Subpart C:

§ 120.269 Aldicarb; tolerances for residues.

A tolerance of 0.1 part per million is established for residues of the insecticide and nematocide aldicarb (2-methyl-2-(methylthio) proprionaldehyde *O*-(methylcarbamoyl) oxime) and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl) oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde *O*-(methylcarbamoyl) oxime in or on the raw agricultural commodity cottonseed.

B. Having evaluated the data in a food additive petition (FAP 9H2418) submitted by the aforementioned petitioner, and other relevant material, the Commissioner concludes that the food additive regulations should be amended to establish a food additive tolerance of 0.3 part per million for residues of the subject pesticide chemical and its metabolites in cottonseed hulls resulting from application of the pesticide chemical to the growing crop and that such food additive tolerance is safe.

Therefore, pursuant to the provisions of said Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated as cited above, Part 121 is amended by adding to Subpart C the following new section:

§ 121.330 Aldicarb.

A tolerance of 0.3 part per million is established for residues of the insecticide and nematocide aldicarb (2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl) oxime) and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl) oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde *O*-(methylcarbamoyl) oxime in or on cottonseed hulls. Such residues may be present therein only as a result of application of the pesticide chemical to the growing raw agricultural commodity cotton.

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. 408(d)(2), 409(c)(1), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(1))

Dated: September 15, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-11245; Filed, Sept. 19, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

LIGNIN SULFONATE, POLOXALENE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions (MF 3395, MF 3412) filed by Fults-Sanko, Post Office Box 331, Tulare, Calif. 93274, and other relevant material, concludes that §§ 121.234 and 121.295 should be amended to provide for the safe use of lignin sulfonate and poloxalene as adjuvants in the flaking of feed grains. 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 the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.234 is revised to read as follows:

§ 121.234 Lignin sulfonates.

Lignin sulfonate may be safely used in animal feed in accordance with the following prescribed conditions:

(a) The food additive is either one, or a combination, of the ammonium, calcium, magnesium, or sodium salts of the extract of spent sulfite liquor derived from the sulfite digestion of wood.

(b) It is used in animal feed as follows:

(1) As the sole pelleting aid in an amount not to exceed 4 percent of the finished pellets.

(2) As a binding aid in the flaking of feed grains in an amount not to exceed 4 percent of the flaked grain.

2. Section 121.295(b) is revised to read as follows:

§ 121.295 Poloxalene.

* * * * *

(b) It is used or intended for use:

(1) In animals as follows:

Principal ingredient	Amount	Limitations	Indications for use
	Grams per 100-lb. body weight per day		
1. Poloxalene	1.5	For cattle in molasses block containing 6.6% of the additive; administer at 0.8 oz. of block per 100-lb. body weight per day.	Prevention of legume (alfalfa, clover) bloat.
2. Poloxalene	1.0-2.0	For cattle; administer in feed starting 2 to 3 days prior to exposure and continuing during exposure to bloat-producing conditions, at 1 to 2 gm. per 100-lb. of body weight according to bloat-producing conditions.	Do.

(2) In feed as a surfactant for the flaking of feed grains when added to liquid grain conditioner in an amount not to exceed 1.0 percent of the conditioner. The conditioner is added to the feed at a rate of 1 quart per ton of feed.

* * * * *

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: September 12, 1969.

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

[F.R. Doc. 69-11247; Filed, Sept. 19, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Notice of Recommended Decision and Opportunity To File Exceptions With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendment of Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), hereinafter referred to collectively as the "order," regulating the handling of tomatoes grown in the Florida production area. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business on the 15th day after its publication in the FEDERAL REGISTER. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order was formulated, was held in Orlando, Fla., June 30, 1969, pursuant to notice thereof published in the June 14, 1969, issue of the FEDERAL REGISTER (34 F.R. 9393). The notice set forth proposed amendments to the order which were submitted, with a request for a hearing thereon, by the Florida Tomato Committee, the administrative agency established pursuant to the order and hereinafter referred to as the "committee."

Material issues. The material issues presented on the record of hearing are as follows:

(1) The amendment of § 966.7, *Handle*, to extend its applicability so as to authorize regulation of shipments of tomatoes within the regulated area;

(2) The amendment of § 966.12, *Maturity*, to provide for determination of the degree of ripeness of each lot of tomatoes at the time of inspection; and the amendment of § 966.60, *Inspection and certification*, to delete the reinspection requirement for regraded, resorted or repacked tomatoes if the identity of the inspected lot can be maintained;

The amendment of § 966.18 *Export*, to mean the shipment of tomatoes beyond the boundaries of the 48 contiguous States of the United States, to clear up an ambiguity which exists in the present definition and to include Alaska;

(4) The amendment of the authority to regulate containers, in § 966.52, by adding "markings," including labels and stamps; and

(5) The amendment of such other sections as are necessary to conform the present order to the proposed amendments.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence presented at the hearing and the record thereof, are as follows:

(1) The term "handle," as defined in the present order, as amended, is synonymous with "ship" and means to sell, transport or in any other way to place fresh tomatoes, produced in the production area, in the current of commerce between the regulation area and any point outside thereof in the United States, Canada, or Mexico.

The proposed amendment of this section would add authority to regulate shipments within the regulated area, if the Committee so recommends, in addition to the present authority for regulating shipments moving out of the area.

The proposed new definition would exclude "field-run" tomatoes delivered or sold to a "registered handler" by the producer of the tomatoes for grading and packing within the production area, from the definition "handle."

The proposed new definition also would change the phrase "regulation area" to read "regulated area" for clarification, and it would delete the phrase "in the United States, Canada, or Mexico" from the end of the definition.

These are the important changes in the proposed new definition, all of which were well supported in the record for the purpose of improving the administration and operation of the order.

The term "regulated area" has the same meaning as "regulation area" in the present order. It is defined in the present order to mean "that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico." No change is proposed in the meaning of the phrase, as the geographic boundaries of the regulated area remain the same as the boundaries of the regulation area.

For information purposes, the regulated area encompasses the same territory as the production area did when the order was first made effective at which time there were five districts. The present order, as amended, has four districts in the production area, as former District No. 5 in North Florida was deleted. So the regulated area includes all of the production area, Districts 1 through 4, plus former District No. 5 which is no longer in the production area but which is included in the regulated area only for purposes of compliance.

According to the record evidence, over five million people live in the State of Florida and a good majority of them live within the regulated area. They comprise an important segment of the consuming public and a substantial market for tomatoes, especially Florida grown tomatoes.

The market within the regulated area should be protected, when necessary, against the sale of poor quality and under-sized tomatoes the same as markets outside the regulated area. The practice of selling below grade and below size tomatoes, that is, tomatoes which do not meet the grade or size requirements of the marketing order regulations, within the regulated area depresses prices for the better quality and preferred sizes of tomatoes. In addition, sales of restricted tomatoes often return little or nothing to the producer.

During the 1968–69 marketing season, shipments of tomatoes out of the regulated area were restricted as to grade, size, pack and maturity. However, tomatoes shipped within the regulated area were not restricted. As a result, below grade and below size tomatoes were permitted to move freely within the regulated area. The handling of these tomatoes resulted in the regulated area becoming a dumping ground for restricted grades and sizes of tomatoes and caused a depressing effect upon the tomato market.

With no limitations on movement within the regulated area, restricted tomatoes moved freely from packing houses and fields, from one town to another and from one county to another. Sometimes these restricted grades and sizes of tomatoes found their way into channels of commerce to points outside the regulated area.

A trucker, for example, could obtain a load of restricted tomatoes and state that he was selling them within the regulated area. Some of these truckers were able to bypass the road guard stations and sell such tomatoes outside the regulated area. This added to the enforcement problems.

Tomatoes below permitted grades and sizes compete with preferred grades and sizes. To sell, they must be discounted. Since they also increase the supply, lower prices are offered for good quality tomatoes. The result is a lower price to producer for all tomatoes and the producers probably receive little or no returns for the restricted grades and sizes.

Modern methods of rapid communication enable tomato buyers and sellers to be in close touch with one another. When markets are generally overloaded with tomatoes at the receiving points, prices decline and supplies of tomatoes back up resulting in a surplus at shipping points and a weakening of prices. Conversely, reductions in supplies of tomatoes at shipping points, due to weather or other conditions, are quickly reflected in receiving markets by a strengthening of prices for tomatoes. Prices at shipping points and at terminal markets tend to be closely related because factors affecting supplies at shipping points are soon known and reflected in prices at terminal markets and the reverse is also the case.

Production area tomatoes that are shipped to a market within the regulated area are sometimes diverted to markets outside the regulated area and even outside the State. On very short notice, a shipper can, and often does, divert tomatoes moving to a particular market to some other market and it is not always known at the time of shipment whether the tomatoes will be marketed within the regulated area or outside of it.

The price of tomatoes handled for marketing within the regulated area has a direct effect on the price of tomatoes sold in the terminal markets. In fact, all handling of tomatoes, including handling within the State, or in the regulated area, directly affects the handling of tomatoes in interstate commerce.

Because of the interdependence of markets and the effect on all markets of any sale and shipment of tomatoes, whether for distribution within the regulated area or outside thereof, it is found that all handling, as described herein, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce. Hence, all movement and sale of tomatoes grown in the production area, whether for distribution within the regulated area or for shipment outside thereof, should be subject to the authority of the act and to the order as herein proposed to be amended.

The record indicates that during normal production and marketing seasons shipments within the regulated area as well as shipments to destinations outside thereof should be regulated. There is authority in the order, however, to regulate differently for different markets. There may be times when marketing conditions would make it economically desirable to regulate differently for the market within the regulated area than for markets outside or even to have no regulations for shipments within the regulated area if the committee so recommends and the Secretary approves.

Under the present order, the growing and harvesting of tomatoes are producer functions and should continue to be construed as operations of the producer in his capacity as a producer.

Growers who sell tomatoes from the field, however, are performing a handler function and should be held responsible for compliance with the handling regulations issued pursuant to the order.

Similarly, growers who transport tomatoes to market are performing a handling function and they too are responsible for compliance with the handling regulations issued under the order.

The most common practice in the production area, however, is for the grower to produce and harvest the tomatoes and then to sell, transport, or deliver them to a packinghouse in the production area for grading, packaging, and marketing.

Under the present order there is a rule and procedure for registering handlers with the committee. The rule provides that any handler who has adequate facilities in the production area for grading and packing tomatoes may be registered by the committee as a registered handler. When registered, he must assume the responsibility for compliance with the quality, inspection, assessment and other requirements of the order. The record shows that the procedure of registering handlers should continue under the order as proposed to be amended.

The transportation, sale or delivery of field-run tomatoes, therefore, by a producer of such tomatoes to a registered handler within the production area for grading and packing should be excepted from the definition of "handle." Such tomatoes have not yet been prepared for market nor are they in their existing condition being transported to market. Most sellers and buyers do not consider them as yet suitable or appropriate for commercial transactions, and as such, they should be exempted from the regulation at this time.

With the exception of the activities which are specifically excluded from the definition of the term handle, all activities, from the time the tomatoes grown in the production area are harvested until they are offered for retail sale, are included in the process of handling. The definition of handle should not include the producing functions nor the sale of tomatoes at retail by a person in his capacity as a retailer as these are excluded under the act.

It is concluded, therefore, that the definition of "handle" should be amended as hereinafter set forth and that such amendment will tend to effectuate the declared policy of the Act.

(2) The term "maturity," as defined in the present order, means the various degrees of ripeness for tomatoes as established by the committee with approval of the Secretary.

The U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855–51.1877 of this title), which are part of the record evidence, contain a section on color classification (§ 51.1864) specifying six different stages of maturity as determined by color, with a description of each.

The record indicates that the Federal-State inspectors can certify the degree of ripeness of tomatoes at the time the inspection is performed in accordance with the color classifications in the U.S. Standards for Grades of Fresh Tomatoes, or as such standards are modified by the regulations. The inspector will indicate on the inspection certificate the pertinent information with respect to color and the degree of ripeness of the tomatoes at the time inspection is performed.

It is concluded, therefore, that the definition of "maturity" should be amended to clearly specify that the maturity of each lot of tomatoes shall be determined at the time the tomatoes are inspected.

The record indicates that during the 1968–69 marketing season, when the regulation specified a larger minimum size for ripe tomatoes than for mature greens, repackers within the regulation area were at a comparative disadvantage with repackers outside the regulation area. If they bought mature green tomatoes of the permitted sizes, ripened them in their ripening rooms and repacked them as had been their practice, they could not ship the smaller sizes to their customers outside the regulation area. Otherwise, they would have been in violation of the size requirement for ripe tomatoes. Their competitors outside the regulation area could do this. Tomato repackers in the regulation area were prevented from carrying out their customary commercial practices by the provision in § 966.60, *Inspection and certification*, which requires a second inspection on any lot of tomatoes which had been previously inspected but has been regraded, resorted, or repacked.

About the only tomatoes which have been regraded, resorted, and repacked, are those tomatoes which were shipped to repackers within the regulation area. The repackers in the regulation area receive mature green tomatoes and hold them in their ripening rooms until they are ready for repackaging. They resort, regrade, and repackage them and deliver them to their customers.

It was testified that it should not normally be necessary to require more than one inspection and certification of the tomatoes if the committee and the Secretary of Agriculture can be assured that that all tomatoes handled by the repacker have been inspected and certified as meeting the requirements of the regulations which are in effect. Such inspection and certification is usually performed before the tomatoes are delivered to the repacker's plant. If, however, they have not been inspected and accompanied by an inspection certificate, then they must be inspected at the repacking plant.

In order to provide assurance to the committee and the Secretary of Agriculture that all tomatoes handled have been inspected and certified, and that the regulations are being complied with, the committee should establish adequate safeguard rules which will be required of repackers. Such safeguards should include the requirement that complete records will have to be maintained by each repacker and reports shall be made by him to the committee on the quantities, sizes, qualities, and maturities of tomatoes received by him and of the

quantities, sizes, qualities, and maturities of tomatoes disposed of by him. Such reports shall be submitted on a weekly or other basis as required by the committee and/or the Secretary pursuant to § 966.80, *Reports*.

It is concluded, therefore, that paragraph (b) of § 966.60, *Inspection and certification*, should be deleted, and paragraphs (c) and (d) should be redesignated as paragraphs (b) and (c), so that the revised § 966.60 will read as hereinafter set forth.

(3) The definition of "Export," § 966.18, in the present order, conflicts to a certain extent with the wording in the definition of "handle" with respect to destinations outside the United States.

The record indicates that both of these definitions should be revised to clarify the meaning intended. By deleting reference to Canada and Mexico from the definition of handle, as proposed herein, shipments to Canada and Mexico would be considered as export markets. Also, by revising the definition of "Export" as proposed herein, to mean the shipment of tomatoes beyond the boundaries of the 48 contiguous States (including the District of Columbia) of the United States, Alaska would be considered an export market. The proposed new definition would permit the same regulations which would apply to shipments of tomatoes to Canada to apply to shipments to Alaska.

Most export markets, such as European Countries, Mexico and Canada, normally use smaller sizes of tomatoes than are preferred by consumers within the 48 States. Also, the Alaska market may be considered in this group. It is quite possible that the committee will find it desirable at times to recommend smaller sizes to move into the export market, especially since such shipments would not have a detrimental effect on the domestic market.

At the present time, export shipments of tomatoes are comparatively small. However, in the future, it is possible that export markets may become a big factor and the authority of the committee to recommend, and the Secretary to issue, different regulations for such export markets is both necessary and desirable.

The definition of the term "Export" should, therefore, be amended accordingly, so that it will clearly show that shipments beyond the 48 contiguous States of the United States may be considered as export shipments and hence may be subject to different regulations than those which are made applicable to the domestic market.

(4) An amendment to add "markings," including labels and stamps, to the authority already included in the order for regulating containers, was also proposed by the proponents.

The record shows that there has been a practice among some handlers of Florida tomatoes of packing tomatoes in used containers which have markings already on them and which may not correspond to the grade, size, quality, pack, or maturity of the tomatoes packed in these used containers. Such a practice is contrary to the provisions of the Perishable Agricultural Commodities Act and the Food, Drug, and Cosmetic Act. It should not, therefore, work a hardship on handlers if the committee were to recommend, and the Secretary were to issue regulations requiring that old markings on containers be obliterated if they do not correspond to what is actually in the container; also, to require markings, including labels or stamps, to be placed on containers to correspond to the grade, size, quality, pack, or maturity of the tomatoes packed in such containers. This is good commercial practice and would help promote more orderly marketing. It would also help to solve some of the compliance problems with respect to production area tomatoes.

Authority to require markings, upon committee recommendations with the approval of the Secretary, should also benefit distributors and producers, in that distributors would know what they are purchasing in the way of grade, size, maturity, or pack. Each quality and size would be identifiable and sell for what it is.

Authority to regulate markings (including labels and stamps) is considered by the proponents to be incidental to, and not inconsistent with, the grade, size, quality, maturity, pack, and container provisions already authorized under this marketing order program and the record shows that such additional authority is necessary to properly effectuate these provisions.

It is concluded that paragraph (d) of § 966.52, *Issuance of regulations*, should be amended as hereinafter set forth.

(5) Conforming changes are necessary in § 966.4, *Production area and regulation area*, to change the phrase "regulation area" to read "regulated area."

As set forth in item (1), under the findings for the proposed amendment of "handle," it was stated that "regulation area" should be changed to read "regulated area." Such a change would not alter the meaning in any way but would simply be made to facilitate the understanding of the phrase. Therefore, such conforming changes should be made in two places in § 966.4 to read as hereinafter set forth.

No evidence was presented by the proponents in support of the proposal which appeared in the notice of hearing to establish a new section titled "Shippers Advisory Committee." Therefore, no action is being taken on this proposal in this proceeding.

Rulings on proposed findings and conclusions. The Hearing Examiner set August 4, 1969, as the final date for filing briefs with respect to the matters involved at the hearing. No briefs were filed. However, a motion was filed by counsel for William Wright, Inc., Walter Holm & Co., and West Coast Vegetable Distributors Association of Nogales, Ariz. In said motion counsel states that the Arizona importers of Mexican tomatoes which he represents had intended to participate in the hearing under the belief that they might be affected by any amendment of the tomato order resulting from the hearing by reason of section 608e–1 of the Agricultural Marketing Agreement Act of 1937, as amended. However, the Hearing Examiner ruled that they were not interested parties to the proceeding and, therefore, would not be allowed to present testimony or cross-examine witnesses. Counsel, therefore, moved that the Secretary quash the proceeding and exempt the parties he represents and all others similarly situated from the effects of any amendments resulting from this hearing.

In order to be in a better position to rule on this motion the Department on August 15, 1969, sent a letter to said counsel requesting additional information relating to his clients' interest in the hearing. In said letter it was requested that he specify which of the proposed amendments contained in the notice of hearing his clients had desired to present testimony on, and to provide a summary statement of the facts and information they proposed to elicit by testimony and by the cross-examination of witnesses. A reply was requested on or before August 25, 1969.

A reply dated August 25, 1969, was received from counsel in which he commented solely on the 10 days provided in which to reply and stated:

> We find that we are unable to comply with your request during such a short period. As you can understand, it is very difficult to figure out what a witness might have said if he had been cross-examined when the cross-examination was prohibited.

However, the Department's letter requested facts and information pertaining to the direct testimony the Arizona importers would have presented as well as facts and information they proposed to elicit by cross-examination of witnesses. Since such importers appeared at the hearing intending to participate therein, they were obviously aware of any facts and information they desired to present by way of direct testimony.

In any event, the proposed amendments to the Florida Tomato Marketing Order which were the subject of the hearing were not of the type which, if adopted, would have an effect on regulations issued under section 608e–1 of the Act pertaining to the importation of tomatoes. Section 608e–1 of the Act provides that whenever a marketing order contains any terms or conditions regulating the grade, size, quality, or maturity of tomatoes and other specified commodities produced in the United States, the importation into the United States of any such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of such order. As previously indicated, the proposed amendments to the Florida tomato order which were under consideration at the hearing were concerned with:

(1) Amending the order to provide for the regulation of tomatoes grown in the production area and marketed within the regulated area within the

State of Florida. Under the terms of the present order such tomatoes marketed within the regulated area are not subject to the marketing order controls;

(2) Amending the Florida order to delete their requirement for reinspection of Florida grown tomatoes after they have been regraded, resorted or repacked within the regulated area provided that the identity of the tomatoes involved in the original inspection can be maintained with respect to such inspection. Thus, the maturity of the tomatoes would be determined at the time of the original inspection; and

(3) Other proposed amendments related to the redefinition of the term "export" to mean shipments of Florida tomatoes beyond the boundaries of the 48 contiguous States of the United States; and amending the authority to regulate containers of Florida tomatoes by adding to that provision the word "markings."

A further amendment to provide for a shippers advisory committee was not supported at the hearing and no action thereon is taken in this decision.

Clearly the issues under consideration at the hearing and the amendments herein proposed would not and do not involve the substance of the grade, size, quality, and maturity provisions of the Order in a way which would affect regulations pertaining to the importation of Mexican tomatoes. Accordingly, the motion filed by the Arizona importers of Mexican tomatoes is denied and the Hearing Examiner's ruling relating to their participation in the hearing is upheld.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The amended marketing agreement and order, as both are hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The amended marketing agreement and order, as both are hereby proposed to be amended, regulate the handling of tomatoes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing order upon which a hearing has been held;

(3) The amended marketing agreement and order, as both are hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistent 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) The amended marketing agreement and order, as both are hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of tomatoes grown in the production area; and

(5) All handling of tomatoes grown in the production area, as defined in the amended marketing agreement and order, as hereby proposed to be amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended amendments to the marketing agreement and order. The following proposed amendments to the marketing agreement and order are recommended as the detailed means by which the aforesaid findings and conclusions may be carried out:

1. Amend paragraph (b) of § 966.4, *Production area and regulation area,* to read:

§ 966.4 **Production area and regulated area.**

* * * * *

(b) "Regulated area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

2. Amend § 966.7 *Handle* to read:

§ 966.7 **Handle.**

"Handle" or "ship" means to sell, transport, deliver, or in any other way to place fresh tomatoes, produced in the production area, in the current of commerce within the regulated area or between any point in the regulated area and any point outside thereof. Such term shall not include the transportation, sale or delivery of field-run tomatoes within the production area by the producer thereof to a handler registered with the committee for the purpose of having such tomatoes prepared for market.

3. Amend § 966.12 *Maturity* to read:

§ 966.12 **Maturity.**

"Maturity" means any of the various degrees of ripeness of tomatoes as established by the committee with approval of the Secretary as determined at the time of the inspection, pursuant to § 966.60(a).

4. Amend § 966.18 *Export* to read:

§ 966.18 **Export.**

"Export" means shipment of tomatoes beyond the boundaries of the 48 contiguous States (including the District of Columbia) of the United States.

5. Amend paragraph (d) of § 966.52 to read:

§ 966.52 **Issuance of regulations.**

* * * * *

(d) Fix the size, weight, capacity, dimensions, markings (including labels and stamps), or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes.

6. Amend § 966.60 *Inspection and certification* to read:

§ 966.60 **Inspection and certification.**

(a) During any period in which the handling of tomatoes is regulated pursuant to this subpart no handler shall handle tomatoes unless such tomatoes have been inspected and certified as meeting the requirements of this subpart by an authorized representative of the Federal or Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, and such tomatoes are covered by a valid inspection certificate except when relieved from such requirements pursuant to § 966.53 or § 966.54 or both.

(b) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the Secretary upon the recommendation of the committee.

(c) When tomatoes are inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

Copies of the notice of recommended decision may be obtained from the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, or may be inspected there.

Dated: September 16, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-11285; Filed, Sept. 19, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 694]

[Administrative Order 606]

SPECIAL INDUSTRY COMMITTEE FOR VIRGIN ISLANDS

Establishment and Convention; Notice of Hearing

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), I hereby Establish Special Industry Committee No. 12 for the Virgin Islands.

In accordance with section 8 of the act (29 U.S.C. 208) and Reorganization Plan No. 6 of 1950, I hereby convene this committee. I refer to it the question of the minimum rate or rates of wages to be fixed for those industries in the Virgin Islands to which section 6 of the Fair Labor Standards Act applies solely by reason of the Fair Labor Standards Amendments of 1966 as those industries are defined in 29 CFR 694.1(b), excluding, however, agriculture as defined in 29 CFR 694.1(b)(1) and the general classification as defined in 29 CFR 694.1 (b)(5), for which previously appointed industry committees have determined the maximum permissible legal minimum wage rates. The minimum wage rates to be recommended by industry committee No. 12 may not be in excess of $1.30 an hour for the period ending January 31,

1970; $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.60 an hour thereafter.

Hearings will be held by this Industry Committee at the time and place indicated below. It shall investigate conditions in all industries in the Virgin Islands which are referred to in the preceding paragraph and the Committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the Committee to perform its duties and functions under the act.

The special industry committee shall meet in executive session at 9:30 a.m. on December 1, 1969, on the second floor of Government House, Charlotte Amalie, St. Thomas, V.I., and shall commence its hearing at 10:30 a.m. on the same day at the same place.

The special industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (not less than the currently effective rates) which it determines having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Whenever the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters referred to the committee. Copies of this report may be obtained at the Washington, D.C., and Puerto Rican Offices of the U.S. Department of Labor as soon as they are completed and prior to the hearing. The committee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing.

The procedure for Special Industry Committee No. 12 for the Virgin Islands shall be governed by the regulations published in Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation, those regulations require, among other things, that interested persons shall file prehearing statements, containing certain specified data not later than November 21, 1969.

Signed at Washington, D.C., this 15th day of September 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-11258; Filed, Sept. 19, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 69-WE-22-AD]

AIRWORTHINESS DIRECTIVE

Boeing Model 727 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 727 airplanes. There have been failures of the generator overload protection circuit silicon controlled rectifiers, causing a single generator system lockout on Boeing 727 Series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require replacement of both silicon controlled switches CR 10 and CR 28 with a transistorized amplifier and a miniature two pole relay on Boeing Model 727 airplanes, in accordance with Westinghouse Service Bulletin No. 66-103, dated September 15, 1966, and Supplement dated September 30, 1966, or an equivalent FAA approved modification.

The FAA has pending a notice of proposed rule making in Airworthiness Docket No. 69-WE-17-AD, 34 F.R. 12951, proposing an AD to require installation of a capacitor in accordance with Boeing Service Bulletin No. 24-47, dated March 3, 1969, or equivalent installation. As both NPRM's involve modifications of the generator control panel, it is anticipated that the publication of the AD's and the compliance times required therein will be simultaneous to enable operators to schedule compliance on a one-time basis.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, FAA Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before October 20, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING. Applies to Boeing 727 airplanes.

Compliance required as indicated within the next 2500 hours time in service after the effective date of this AD, unless already accomplished.

To prevent generator system lockout, accomplish the following or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Modify the generator control panels in accordance with Part II, Paragraph A and C of Westinghouse Service Bulletin No. 66-103, dated September 15, 1966, and the supplement dated September 30, 1966, or later FAA approved revisions.

Issued in Los Angeles, Calif., on September 10, 1969.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 69-11273; Filed, Sept. 19, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-93]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Miami, Fla. (Transition and Training Airport), control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Miami Area Office, Air Traffic Branch, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications

received within 21 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

The Miami (Transition and Training Airport) control zone would be designated as:

Within a 5-mile radius of Miami Transition and Training Airport (lat. 25°51'46" N., long. 80°53'50" W.).

The Miami (Transition and Training Airport) transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Miami Transition and Training Airport (lat. 25°51'46" N., long. 80°53'50" W.).

The Miami Transition and Training Airport is scheduled to become operational on November 15, 1969, and a requirement exists to provide adequate controlled airspace protection for aircraft arriving and departing the airport.

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

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

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-11274; Filed, Sept. 19, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-65]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a 700-foot transition area for Fort Collins-Loveland Airport, Colo.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

The 700-foot transition area is required to provide controlled airspace protection for aircraft executing prescribed instrument procedures utilizing the Fort Collins-Loveland radiobeacon.

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

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

FORT COLLINS

That airspace extending upward from 700 feet above the surface within 9.5 miles east and 5 miles west of the 173° and 353° bearings from the Fort Collins-Loveland RBN (latitude 40°26'49" N., longitude 105°00'22" W.) extending from 6.5 miles north to 18.5 miles south of the RBN.

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

Issued in Los Angeles, Calif., on September 10, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-11275; Filed, Sept. 19, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-AL-11]

CONTROL ZONE

Proposed Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would revoke the Minchumina, Alaska, control zone.

The Minchumina control zone is effective from 0745 to 1545 local time Wednesday through Sunday. These times coincide with the hours of operation of the Minchumina Flight Service Station. Weather observations required to support the control zone designation are taken by the one flight service station specialist assigned to Minchumina. During the times when the Minchumina FSS is not in operation Minchumina air/ground communications are remotely controlled by the McGrath FSS.

The Federal Aviation Administration plans to remove the specialist from Minchumina and have the Minchumina air/ground communications remotely controlled from McGrath on a full-time basis. Normal air traffic control and FSS services will be provided continuously. However, weather observations will not be available to support the control zone designation.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 20 days after publication of this notice in the FEDERAL REGISTER will be considered before final action is taken on this proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conference with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

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

Issued in Anchorage, Alaska, on September 10, 1969.

WILLIAM P. COMSTOCK,
Brigadier General, U.S. Air Force, Acting Director, Alaskan Region.

[F.R. Doc. 69-11277; Filed, Sept. 19, 1969; 8:47 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 2-14; Notice 2]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Assembly Anchorages; Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses

The Administrator is considering amending § 371.21 of Title 49, CFR by revising Motor Vehicle Safety Standard No. 210 and extending its application so as to prescribe requirements for the installation of seat belt assembly anchorages in multipurpose passenger vehicles, trucks, and buses.

An advance notice of proposed rule making relating to this proposal was published in the FEDERAL REGISTER on

October 14, 1967 (32 F.R. 14281). Comments received in response to that notice have been considered.

This proposal is part of a series of related rule making actions which include a revision of Motor Vehicle Safety Standard No. 208 to require that seat belt assemblies be installed in multipurpose passenger vehicles, in trucks, and at the driver's seating position in buses. At present, Standard No. 208 requires the installation of seat belt assemblies in passenger cars only, and Standard No. 210 requires the installation of seat belt assembly anchorages only in passenger cars. It is estimated that more than 17 percent of the vehicles produced for sale in the United States each year will not fall into the passenger car category. The interests of motor vehicle safety would seem to require that, to the maximum extent practicable, occupants of those vehicles should be afforded the means of protecting themselves from personal injury and death that the availability of properly anchored seat belts provide.

The proposed amendment would require the installation of seat belt assembly anchorages in multipurpose passenger vehicles, trucks, and buses, as well as passenger cars. Manufacturers of those vehicles would be required to install anchorages for all designated seating positions except passenger seats in buses. The type of anchorage that would be required depends on the nature of the vehicle and the location of the seating position. In vehicles other than convertibles, open-body type vehicles (vehicles which either have no top or a top which the user can remove and install at his convenience), walk-in van-type trucks, and trucks which have a gross vehicle weight rating of more than 10,000 pounds, a Type 2 anchorage would be required for each outboard seating position that includes the windshield header within the head impact area. Type 1 anchorages would be permissible for any other seating position for which anchorages are required.

The proposed amendment would also clarify the standard's requirement for the location of the anchorage for the upper end of the upper torso restraint of a Type 2 seat belt assembly by a reference to the location range specified in SAE Standard J787b, "Motor Vehicle Seat Belt Anchorage," September 1966. The location of anchorages for Type 1 seat belt assemblies would be clarified by specifying that the angle between a horizontal line and a line from the anchorage to the seating reference point must be not less than 30° and not more than 60°. At present, the standard requires the angle to be "as near as practicable to 45°," a formulation which may have caused confusion because of its uncertain parameters. A rate and angle of load application have been specified in the demonstration procedure. Other clarifying changes in the standard are proposed.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed rule. Comments on the cost of, and the time required for, compliance are particularly invited. Comments must identify Docket No. 2–14 and must be submitted in 10 copies to:

Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591.

All comments received within 90 days after the date this notice is published in the FEDERAL REGISTER will be considered by the Administrator. All comments will be available for examination in the docket at the above address before and after the closing date for comments.

In consideration of the foregoing, the Administrator proposes to amend Motor Vehicle Safety Standard No. 210 in § 371.21 of Part 371 of Title 49 CFR, effective January 1, 1971, to read as set forth below.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407, and the delegation of authority by the Secretary at 49 CFR 1.4(c).

Issued on September 15, 1969.

F. C. TURNER,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD No. 210

SEAT BELT ASSEMBLY ANCHORAGES—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

S1. *Purpose and scope.* This standard establishes requirements for seat belt assembly anchorages to insure their proper location for effective occupant restraint and to reduce the likelihood of their failure in collisions.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S3. *Definition.* "Seat belt anchorage" means the provision for transferring seat belt assembly loads to the vehicle structure.

S4. *Requirements.*

S4.1 *Type.*

S4.1.1 Except in convertibles, open-body type vehicles, buses, walk-in van-type trucks, and trucks which have a gross vehicle weight rating of more than 10,000 pounds, seat belt anchorages for a Type 2 seat belt assembly must be installed for each forward-facing outboard designated seating position.

S4.1.2 Seat belt anchorages for a Type 1 or a Type 2 seat belt assembly must be installed for each designated seating position except a passenger seat in a bus or a designated seating position for which seat belt anchorages for a Type 2 seat belt assembly are required by S4.1.1.

S4.2 *Strength.*

S4.2.1 When tested in accordance with S5.1 or an approved equivalent dynamic test, no anchorage for a seat belt assembly shall fail when a 5,000-pound load is applied to the body block. The 5,000-pound load shall be applied in a forward direction to test anchorages for forward-facing seats, in a rearward direction to test anchorages for rearward-facing seats and in both a forward and a rearward direction (parallel to the centerline of the vehicle) to test anchorages for side-facing seats.

S4.2.2 When tested in accordance with S5.2 or an approved equivalent dynamic test, a Type 2 seat belt anchorage shall not fail when both a 3,000-pound load is applied to the pelvic body block and a 3,000-pound load is simultaneously applied to the upper torso body block. The loads shall be applied in a forward direction.

S4.2.3 Permanent deformation, including rupture or breakage, of any seat belt anchorage or its surrounding area does not constitute failure if the required load is attained.

S4.2.4 Except as provided in S4.2.5, floor-mounted seat belt anchorages for laterally adjacent designated seating positions shall be tested by simultaneously loading the seat belt assemblies attached to those anchorages.

S4.2.5 A common seat belt anchorage for a forward-facing and a rearward-facing seat belt assembly shall not be tested by loading both seat belt assemblies simultaneously.

S4.3 *Location.*

S4.3.1 *Seat belt anchorages for Type 1 seat belt assemblies and the pelvic portion of Type 2 seat belt assemblies.*

S4.3.1.1 In an installation in which the seat belt passes around the outside of the seat, a line from the seat belt anchorage to the seating reference point, for a nonadjustable seat, or from the seat belt anchorage to a point 2.5 inches horizontally forward of, and 0.375 inches vertically above, the seating reference point, for an adjustable seat in its rearmost position, shall extend forward of a vertical line through the anchorage and shall make an angle with the horizontal of not less than 30° and not more than 60°.

S4.3.1.2 In an installation in which the belt passes through the springs or over the seat frame, the seat belt anchorage shall be aft of the rearmost portion of the springs or seat bottom frame bar, and the line of the belt from the seating reference point to the anchorage with the belt snug but not loaded shall extend forward of a vertical line through the anchorage and shall make an angle with the horizontal of not less than 30° and not more than 60°.

S4.3.1.3 Seat belt anchorages for an individual seat belt assembly shall be located at least 15 inches apart laterally.

S4.3.2 *Seat belt anchorages for the upper torso portion of Type 2 seat belt assemblies.*

S4.3.2.1 The seat belt anchorage for the upper torso portion of a Type 2 seat belt assembly shall be located as follows:

(a) Position the "H" point of the two-dimensional manikin described in Society of Automotive Engineers' Standard J826, "Manikin for Use in Defining Vehicle Seating Accommodation," November 1962, on the seating reference point and adjust the torso line of the manikin, as defined in section 2.3.6 (page El.01) of Society of Automotive Engineers' Aerospace-Automotive Drawing Standards,

September 1963, to coincide with a line drawn through the seating reference point and at the same angle from the vertical as the designated seat back angle.

(b) Locate the seat belt anchorage for the upper end of the upper torso restraint within the acceptable range shown in Figure 4 of Society of Automotive Engineers' Standard J787b, "Motor Vehicle Seat Belt Anchorage," September 1966.

S5. *Demonstration procedures.*

S5.1 *Seats with Type 1 or Type 2 seat belt anchorages.* With the seat in its rearmost position, the load specified in S4.2.1 shall be applied to the body block described in Society of Automotive Engineers' Standard J787b, or an approved equivalent device, restrained by a Type 1 or the pelvic portions of a Type 2 seat belt assembly, as applicable, at a rate between 2 and 4 inches of pull per minute parallel to the centerline of the vehicle and at an angle of not less than 5° and not more than 15° above the horizontal.

S5.2 *Seats with Type 2 seat belt anchorages.* With the seat in its rearmost position, the load specified in S4.2.2 shall be applied to the body block as described in Society of Automotive Engineers' Standard J787b, or an approved equivalent device, restrained by a Type 2 seat belt assembly, parallel to the centerline of the vehicle and at an angle of not less than 5° and not more than 15° above the horizontal.

[F.R. Doc. 69-11264; Filed, Sept. 19, 1969; 8:46 a.m.]

[49 CFR Part 371]

[Docket No. 2-13; Notice 2]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Installations; Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses

The Administrator is considering amending §§ 371.3 and 371.21 of Title 49, CFR by (1) adding a definition of the term "Open body type vehicle", (2) amending the definition of "designated seating position", (3) extending the application of Motor Vehicle Safety Standard No. 208 to prescribe requirements for the installation of seat belt assemblies in multipurpose passenger vehicles, in trucks, and at the driver's seating position in buses, and (4) requiring installation of seat belt assemblies for side- and rear-facing seats.

An advance notice of proposed rule making relating to this proposal was published in the FEDERAL REGISTER on October 14, 1967 (32 F.R. 14281). Comments received in response to that have been considered.

At present, Motor Vehicle Safety Standard No. 208 requires the installation of seat belt assemblies in passenger cars only. However, an estimated 17 percent of the motor vehicles produced for sale in the United States do not fall into the passenger car category. The interests of motor vehicle safety would seem to require that, to the maximum practicable extent, drivers and passengers in those vehicles should be afforded the means of protecting themselves from personal injury and death that the availability of seat belts provide.

The proposed amendment would require the installation of seat belt assemblies in multipurpose passenger vehicles, trucks, and buses manufactured after December 31, 1970. Manufacturers of these vehicles would be required to install a seat belt assembly at each designated seating position except a bus passenger's seat. Side-facing seats and rear-facing seats are no longer excepted. Under the proposed rule, manufacturers could comply with the standard by installing a Type 2 seat belt assembly at any seating position in those vehicles. However, in the case of a convertible, an open body type vehicle (defined as a vehicle having no top or a top which the user can install or remove at his convenience), a bus, a walk-in van-type truck, or a truck with a GVW rating of more than 10,000 pounds, the proposed standard could be satisfied by installation of a Type 1 assembly. A Type 2 assembly would be mandatory in other vehicles in each outboard seating position at which a seat belt assembly must be installed if that position includes the windshield header within the head impact area; otherwise, either type of assembly may be installed in the position.

Restraint systems or devices for passenger seats in buses are not included in this proposal. The Administrator has concluded that the issue of whether such systems or devices should be required for bus passenger seats must be considered in the larger context of developing a standard for passenger seating systems in buses, in order to provide for a systematic attack on hazards to the safety of bus passenger. Work on such a standard is now going forward. Rule making action growing out of that work will be announced and considered under Docket No. 2-11.

Editorial changes for the purpose of clarifying the standard are proposed. Interested persons are invited to submit written data, views, or arguments pertaining to the proposed rule. Comments on the cost, and time required for, compliance are particularly invited. Comments must identify Docket No. 2-13 and must be submitted in 10 copies to:

Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D. C. 20591.

All comments received within 90 days after the date this notice is published in the FEDERAL REGISTER will be considered by the Administrator. All comments will be available for examination in the docket at the above address before and after the closing date for comments.

In consideration of the foregoing, the Administrator proposes to amend Part 371 of Title 49, CFR, effective January 1, 1971, by:

(1) Adding the following new definition to § 371.3:

"Open body type vehicle" means a vehicle having no top or a top which can be installed or removed by the user at his convenience.;

(2) Amending the definition of "designated seating position" in § 371.3 to read:

"Designated seating position" means any plan view location intended by the manufacturer to provide seating accommodation for a person at least as large as a 5th pencentile adult female while the vehicle is in motion, except auxiliary seating accommodations such as temporary or folding jump seats; and

(3) Amending Motor Vehicle Safety Standard No. 208 to read as follows:

MOTOR VEHICLE SAFETY STANDARD NO. 208

SEAT BELT INSTALLATIONS—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

S1. *Purpose and scope.* This standard establishes requirements for seat belt installations to reduce deaths and injuries to occupants of vehicles by ejection from the vehicle or contact with its interior.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S3. *Requirements.*

S3.1 Except for a passenger seat in a bus, a seat belt assembly that conforms to Motor Vehicle Safety Standard No. 209 shall be installed for each designated seating position as follows:

(a) In convertibles, open-body type vehicles, buses, walk-in van-type trucks, and trucks that have a gross vehicle weight rating of more than 10,000 pounds, a Type 1 seat belt assembly must be installed for each designated seating position.

(b) In all vehicles not specified in subparagraph (a), a Type 2 seat belt assembly must be installed for each outboard designated seating position that includes the windshield header within the head impact area, and a Type 1 seat belt assembly must be installed for each other designated seating position.

S3.1.1 A Type 2 seat belt assembly may be installed for any location where a Type 1 seat belt assembly is required by S3.1. A Type 2a shoulder belt and a Type 1 seat belt assembly may be installed for any location where a Type 1 or Type 2 seat belt assembly is required by S3.1.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator contained in § 1.4(c) of the regulations of the Office of the Secretary, 49 CFR 1.4(c).

Issued on September 15, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-11265; Filed, Sept. 19, 1969; 8:46 a.m.]

[49 CFR Part 371]

[Docket No. 2-12: Notice 2]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seating Systems; Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses

The Administrator is considering amending Motor Vehicle Safety Standard No. 207 in § 371.21 of Title 49, CFR Motor Vehicle Safety Standard No. 207 relates to motor vehicle seats.

The purpose of the proposed amendment is to extend the requirements of Motor Vehicle Safety Standard No. 207 (now applicable only to passenger cars) to multipurpose passenger vehicles, trucks, and buses, and to make editorial changes which will clarify the meaning of the standard. In addition, the proposal would prohibit seat adjusters which slip during application of loads to the seat in any adjusted position.

An advance notice of proposed rule making relating to Standard No. 207 was published in the FEDERAL REGISTER on October 14, 1967 (32 F.R. 14281). Comments received in response to that notice have been considered.

As noted above, the existing standard specifies requirements for anchorage of seats in passenger cars only. However, an estimated 17 percent of the motor vehicles produced for sale in the United States do not fall into the passenger car category. The interests of motor vehicle safety would seem to require that, to the maximum practicable extent, occupants of those vehicles should be afforded the protection of adequate seats in the event of a crash. Hence, the Administrator proposes to apply the standard to multipurpose passenger vehicles, trucks, and buses.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed rule. Comments on the cost of, and time required for, compliance are particularly invited. Comments must identify Docket No. 2-12 and must be submitted in 10 copies to:

Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591.

All comments received on or before the close of business on December 18, 1969, will be considered by the Administrator. All comments will be available for examination in the docket at the above address before and after the closing date for comments.

In consideration of the foregoing, the Administrator proposes to amend Part 371 of Title 49, CFR, effective January 1, 1971, by amending Motor Vehicle Safety Standard No. 207 in § 371.21 to read as set forth below.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator contained in § 1.4(c) of the regulations of the Office of the Secretary, 49 CFR 1.4(c).

Issued on September 15, 1969.

F. C. TURNER,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD No. 207

SEATING SYSTEMS—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

S1. *Purpose and scope.* This standard establishes requirements for seats, their attachment assemblies, and their installation to minimize the possibility of their failure by forces acting on them as a result of vehicle impact.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S3. *Definition.* "Occupant seat" means a seat which provides at least one designated seating position.

S4. *Requirements.*

S4.1 *Driver's seat.* Each vehicle must have an occupant seat for the driver.

S4.2 *General performance requirements.* When tested in accordance with S5.1, each occupant seat, other than a side-facing seat or a passenger seat in a bus, must withstand the following loads in each position to which it can be adjusted:

(a) Twenty times the weight of the seat applied in a forward longitudinal direction;

(b) Twenty times the weight of the seat applied in a rearward longitudinal direction;

(c) If a seat belt assembly is attached to the seat, the loads specified in subparagraphs (a) or (b) applied simultaneously with the loads imposed on the seat by the seat belt assembly when it is loaded in accordance with section S4.2 of Federal Motor Vehicle Safety Standard No. 210; and

(d) A load which produces a 3,300 inch-pound moment about the seating reference point for each designated seating position which the seat provides applied to the upper cross-member of the seat back or the upper seat back in a rearward longitudinal direction for forward-facing seats and in a forward longitudinal direction for rearward-facing seats.

S4.2.1 *Seat adjusters.* The seat adjuster—

(a) Must remain in its adjusted position during the application of the loads specified in S4.2; and

(b) Need not be operable after the application of the loads specified in S4.2.

S4.3 *Restraining device for hinged or folding seats or seat backs.* Except for a passenger seat in a bus or a seat having a back which is adjustable only for the comfort of its occupants, a hinged or folding occupant seat or occupant seat back must be equipped with a self-locking device for restraining the hinged or folding seat or seat back and a control for releasing that restraining device.

S4.3.1 *Accessibility of release control.* The control for releasing the restraining device must be readily accessible to the occupant of the seat equipped with the device and to the occupant of any seat immediately behind that seat.

S4.3.2 *Performance of restraining device.*

S4.3.2.1 *Static load.* Once engaged, the restraining device must not release or fail when a forward longitudinal load equal to 20 times the weight of the pivoting or folding portion of the seat is applied to the center of gravity of that portion of the seat.

S4.3.2.2 *Inertia load.* Once engaged, the restraining device must not release or fail when it is subjected to an inertia load of 20 g. in a longitudinal direction.

S4.4 *Labeling.* Seats not designated for occupancy while the vehicle is in motion must be conspicuously labeled to that effect.

S5. *Demonstration procedures.*

S5.1 Except as provided in S5.2, S5.3, and S5.4, compliance with S4 shall be demonstrated by tests conducted in accordance with Society of Automotive Engineers' Recommended Practice J879b, "Motor Vehicle Seating Systems," July 1968, using the values and procedures specified in this standard.

S5.2 If a seat has an adjustable head restraint, the test for demonstrating compliance with S4.3.2.1 shall be conducted with the head restraint in its fully extended design position.

S5.3 An approved physical demonstration may be used in lieu of the calculated inertia loading analysis specified in paragraph 5 of Society of Automotive Engineers' Recommended Practice J879b to demonstrate compliance with S4.3.2.2.

S5.4 Distributed loads may be replaced by concentrated loads at the centers of gravity of the components.

[F.R. Doc. 69-11266; Filed, Sept. 19, 1969; 8:46 a.m.]

[49 CFR Part 393]

[Docket No. MC-13; Notice 69-14]

MOTOR CARRIER SAFETY REGULATIONS

Requirements for Red Flags; Withdrawal of Advance Notice of Proposed Rule Making and Denial of Petition for Rule Making

On January 3, 1969, the Safety Flag Company of America filed a petition for rule making seeking an amendment to § 393.95(k) of the Motor Carrier Safety Regulations to require fluorescent red flags, instead of plain red flags, to be used as a daytime warning for stopped vehicles. On April 24, 1969, an advance notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6852), inviting interested persons to submit data, views, and arguments as to the desirability of amending § 393.95(k) to grant the relief requested in the petition. Comments were specifically requested on two questions: "(1) Do the

red flags in normal use constitute an adequate daylight warning device for stopped vehicles? (2) Is there evidence to indicate that the use of fluorescent flags would increase the safety of operation of commercial vehicles?"

Upon evaluating the comments received in response to the advance notice and after study of the issues, the Administrator has concluded that the available evidence does not demonstrate that the present flags are inadequate or that the safety of operation of commercial vehicles would be measurably increased by requiring fluorescent flags. The amendment to § 393.95(k) is therefore not appropriate at this time. The advance notice of proposed rule making designated as Docket No. MC–13, Requirements for Red Flags, is hereby withdrawn, and the petition of the Safety Flag Company of America for rule making is denied. The Federal Highway Administration may issue another notice in the future on the same or a similar subject should conditions warrant such action.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegation of authority at 49 CFR 1.4(c))

Issued on September 12, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69–11263; Filed, Sept. 19, 1969; 8:46 a.m.]

Notices

POST OFFICE DEPARTMENT

ASSISTANT CONTROLLER FOR ACCOUNTING ET AL.

Redelegation of Authority To Adjudicate Claims

The following is the text of a redelegation of authority made by the Assistant Postmaster General, Bureau of Finance and Administration, on September 10, 1969, effective on that date.

Pursuant to § 812.9(b), CFR, the authority delegated by the Postmaster General to the Assistant Postmaster General, Bureau of Finance and Administration, is redelegated as set forth below:

1. *To the Assistant Controller for Accounting.* To take action under the provisions of: 31 U.S.C., sections 82a–1, 82a–2, and 82c, 39 U.S.C., section 2401, 39 U.S.C., section 2403.

2. *To the Director, Financial Systems Management Division and Directors, Postal Data Centers*—a. *Claims for Relief (Except for claims or debts arising from the wrong payment of money orders or from stolen money orders).* To take action under the provisions of: 31 U.S.C., sections 82a–1, 82a–2, and 82c, 39 U.S.C., section 2401, 39 U.S.C., section 2403.

The authority redelegated to Directors, Postal Data Centers, under section 2403 (a)(1) is $10,000. The authority redelegated to the Directors, Postal Data Centers, under the other statutes does not exceed $5,000. Claims for amounts exceeding $5,000, except those falling under 39 U.S.C. 2403(a)(1), must be rereferred to the Assistant Controller for Accounting or to the Director, Financial Systems Management Division, for adjudication.

b. *Federal Claims Collection Act of 1966, Public Law 89–508; 31 United States Code 951–953.* Directors, Postal Data Centers, are redelegated authority to compromise, terminate collection, or refer to the General Accounting Office for further collection action, claims (except tort claims) for amounts up to and including $1,000. Such claims for amounts exceeding $1,000 must be referred to the Assistant Controller for Accounting or to the Director, Financial Systems Management Division, for compromise, termination of collection action or referral to the General Accounting Office.

Unless there is positive evidence (for example: Credit information) that a claim of $100, but not in excess of $1,000, is uncollectible, it must be referred for further collection action to the Claims Division, U.S. General Accounting Office, Washington, D.C. 20548, Attention: Chief, Debt Branch.

c. *Appellate review.* The Assistant Controller for Accounting or the Director, Financial Systems Management Division, may in his discretion, review, reverse, or sustain in whole or in part any decision made by the Directors, Postal Data Centers, under this redelegation.

3. *To the Director, Money Order Division.* To adjudicate claims arising from the wrong payment of money orders or the payment of stolen money orders under the provisions of: 31 United States Code section 82a–1, 39 United States Code section 2401.

The Assistant Controller for Accounting may in his discretion review, reverse, or sustain in whole or in part a decision made by the Director, Money Order Division, under this redelegation.

With the exception of claims not in excess of $10,000 (39 U.S.C. 2403), the Comptroller General, or his designee, must concur before relief may be granted or reimbursement made to the claimant. The Comptroller General's Office requires that claims for relief submitted for his concurrence bear the true signature of the incumbent of the position having authority to adjudicate claims, or the one officially occupying the position in an acting capacity. Claims signed by a person in an acting capacity must be accompanied by a copy of his designation to so act and show the period he occupies that status.

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69–11291; Filed, Sept. 19, 1969, 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 695]

CALIFORNIA

Order Opening Public Lands

SEPTEMBER 15, 1969.

1. Public Land Order No. 1633 of May 8, 1958 revoked in part Executive Order No. 4203 of April 14, 1925, which withdrew lands in California and Nevada in aid of classification for national forest status under the Act of February 20, 1925 (43 Stat. 952).

2. Pursuant to the authority vested in the Secretary of the Interior and pursuant to Bureau Order No. 701 of July 23, 1964 (29 F.R. 10526) as amended, and pursuant to authority redelegated to me by the Manager November 18, 1965 (30 F.R. 14444) as amended, the following described lands, affected by this order, which were not included in the restoration made by Public Land Order No. 1633, will at 10 a.m. on October 15, 1969, be open to the operation of the public land laws generally, subject to valid existing rights, equitable claims, the requirements of applicable law, and rules and regulations:

MOUNT DIABLO MERIDIAN

T. 6 N., R. 14 E.,
Sec. 26, E½SE¼.

The area described contains approximately 80 acres of public land in Calaveras County.

3. The lands have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals under the U.S. mining laws. They will be open to location for nonmetalliferous minerals under the U.S. mining laws beginning at 10 a.m., on October 15, 1969.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

JESSE H. JOHNSON,
Acting Chief,
Lands Adjudication Section.

[F.R. Doc. 69–11297; Filed, Sept. 19, 1969; 8:48 a.m.]

Fish and Wildlife Service

FISHERIES LOAN FUND

Applications

SEPTEMBER 18, 1969.

Applications for loans from the Fisheries Loan Fund have been more numerous and larger in size than anticipated. In order to prevent the exhaustion of funds available for these loans and to assure that these funds will assist the largest number of vessel operators possible, it is necessary to restrict the size of loans.

Effective on the date of publication of this notice in the FEDERAL REGISTER, until further notice, no applications for loans from the Fishery Loan Fund will be accepted for more than $40,000.

WILLIAM M. TERRY,
Acting Director.

[F.R. Doc. 69–11324; Filed, Sept. 19, 1969; 8:49 a.m.]

National Park Service

GLEN CANYON NATIONAL RECREATION AREA

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969, 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Glen Canyon National Recreation Area, proposes to issue a concession permit to D.C. Christensen authorizing him to provide concession facilities and services for the public at

Glen Canyon National Recreation Area for a period of approximately 1 year, 7 months, from May 13, 1969, through December 31, 1970.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Glen Canyon National Recreation Area, Post Office Box 1507, Page, Ariz. 86040 for information as to the requirements of the proposed permit.

Dated: August 25, 1969.

JAMES L. MONHEISER,
Acting Superintendent, Glen Canyon National Recreation Area.

[F.R. Doc. 69-11289; Filed, Sept. 19, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[P.P.C. 640, Amended]

DOMESTIC QUARANTINE

Gypsy Moth and Brown-Tail Moth; Deletion From List of Establishments

Pursuant to § 301.45-2 of the gypsy moth and brown-tail moth quarantine (Notice of Quarantine No. 45, 7 CFR 301.45), and § 301.45-2b(8) of the supplemental regulation (7 CFR 301.45-2b(8)), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the list of approved establishments (33 F.R. 17368) eligible to ship stone and quarry products, which are gypsy moth regulated articles, without certification or permit from areas regulated under the said notice of quarantine and supplemental regulations, is hereby amended by deleting therefrom the reference to the establishment known as the Pink Granite Co., Madison, N.H., and the reference to the regulated article (granite) listed in respect to such establishment.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 7 CFR 301.45-2)

This amendment shall become effective upon publication of this notice in the FEDERAL REGISTER.

Under the provisions of 7 CFR 301.45-2, mined, quarried, or manufactured stone and quarry products, shipped directly from establishments specifically approved by the Director, are exempted under certain conditions from the certification and permit requirements of regulations supplemental to the gypsy moth and brown-tail moth quarantine. The establishment involved is deleted from the list of specifically approved premises because such establishment has been determined to be infested with the gypsy moth. This deletion has the effect of imposing certain restrictions necessary to prevent the spread of the gypsy moth, and should be made effective promptly in order to carry out the purposes of the regulations. In accordance with the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this deletion are impracticable and contrary to the public interest, and good cause is found for making this deletion effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 16th day of September 1969.

D. R. SHEPHERD,
Director, Plant Pest Control Division.

[F.R. Doc. 69-11282; Filed, Sept. 19, 1969; 8:47 a.m.]

Packers and Stockyards Administration

FARIBAULT HORSE MARKET 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*
MINNESOTA	
Faribault Livestock Sales, Faribault, Sept. 24, 1963.	Faribault Horse Market, Mar. 1, 1969.
MISSOURI	
Palmyra Livestock Auction Market, Inc., Palmyra, Mar. 14, 1963.	Palmyra Livestock Auction Market, May 14, 1969.
H. W. Arnett & Son Livestock Auction Company, Warrensburg, July 23, 1957.	Johnson County Livestock Market, Inc., Aug. 11, 1969.
NEBRASKA	
Plattsmouth Sale Barn, Plattsmouth, Apr. 25, 1959.	Plattsmouth Livestock Auction, Aug. 1, 1969.
TEXAS	
South Texas Auction & Commission Company, Alice, May 1, 1957.	South Texas Auction Company, Aug. 8, 1969.

Done at Washington, D.C., this 15th day of September 1969.

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

[F.R. Doc. 69-11286; Filed, Sept. 19, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DEL MONTE CORP.

Canned Peaches and Canned Fruit Cocktail Deviating From Identity Standards; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Del Monte Corp., 215 Fremont Street, San Francisco, Calif. 94119. This permit covers interstate marketing tests of canned peaches and canned fruit cocktail with added ascorbic acid, an ingredient not provided for by the standard of identity for canned peaches (21 CFR 27.2) or canned fruit cocktail (21 CFR 27.40).

The finished food will contain approximately 700 parts per million by weight of ascorbic acid, but not in excess of 850 parts per million of added ascorbic acid in any individual can. Labels on the food are to name the ingredient on each principal display panel by the statement "Ascorbic acid added to preserve color."

The term of this permit is from October 15, 1969, to October 15, 1970.

Dated: September 15, 1969.

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

[F.R. Doc. 69-11251; Filed, Sept. 19, 1969; 8:45 a.m.]

HERCULES, INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP OFO876) has been filed by Hercules, Inc., Wilmington, Del. 19899, proposing the establishment of tolerances (21 CFR 120.171) for negligible residues of the insecticide dioxathion in or on the raw agricultural commodities the stone fruit group and walnuts at 0.14 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is the procedure of C. L. Dunn, "Agricultural and Food Chemistry," vol. 6, page 203 (1958).

Dated: September 12, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-11252; Filed, Sept. 19, 1969; 8:45 a.m.]

NACA INDUSTRY TASK FORCE FOR PARATHION AND METHYL PARATHION

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP OF078) has been filed by National Agricultural Chemicals Associations Industry Task Force for Parathion and Methyl Parathion, 1155 15th Street NW., Washington, D.C. 20005, proposing the establishment of tolerances (21 CFR 120.121) for residues of the insecticide parathion and its methyl homolog in or on the raw agricultural commodities: Soybean hay at 1 part per million; cottonseed at 0.75 part per million; and soybeans at 0.1 part per million.

The analytical methods proposed in the petition for determining residues of the insecticide and its methyl homolog are gas chromatographic techniques using electron capture detector systems.

Dated: September 12, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-11253; Filed, Sept. 19, 1969; 8:45 a.m.]

OLIN MATHIESON CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP OF0874) has been filed by Olin Mathieson Chemical Corp., 120 Long Ridge Road, Stamford, Conn. 06904, proposing the establishment of a tolerance of 0.05 part per million for negligible residues of the plant regulator β-hydroxyethylhydrazine in or on the raw agricultural commodity pineapples.

The analytical method proposed in the petition for determining residues of the plant regulator is a procedure in which the residue is extracted, separated, reacted with cinnamaldehyde, and determined spectrophotometrically at 420 millimicrons.

Dated: September 15, 1969.

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

[F.R. Doc. 69-11254; Filed, Sept. 19, 1969; 8:45 a.m.]

Public Health Service

CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

Statement of Organization, Functions, and Delegations of Authority

Functional statement for the ECA Training Institute of the Environmental Control Administration.

Part 3 (Consumer Protection and Environmental Health Service) of the Statement of Organization, Functions, and delegations of Authority of the Department of Health, Education, and Welfare (33 F.R. 19044-54 dated Dec. 20, 1969, and 34 F.R. 9895-96 dated June 26, 1969) is amended by adding a functional statement for the ECA Training Institute in the Office of Training and Manpower Development, Environmental Control Administration.

Section 3-B is amended as follows:

SEC. 3-B *Organization.* * * *

(3) *Environmental Control Administration.* * * *

(f) *Office of Training and Manpower Development.* * * *

(f-1) *ECA Training Institute.* Develops, conducts and coordinates the technical short course and related direct training activities of ECA including: Technical short courses on behalf of and in cooperation with the Bureaus as needed to enhance the national supply of non-Federal personnel qualified to execute environmental control programs being encouraged by the component units of ECA; training courses designed to meet the needs of continued upgrading of ECA personnel; and pilot training course development in specialized areas of environmental control for replication by other agencies, institutions and organizations. Maintains cognizance of the latest developments in training techniques, methodologies and materials and encourages or carries out adapting them for use in environmental control short-course training. Provides resources in facilities, training aids or manuals, and supportive services for training or training-related activities sponsored by the respective Bureaus or conducted in cooperation with other agencies.

* * * * *

Effective date. This amendment is effective on the date of its publication in the FEDERAL REGISTER.

Dated: August 7, 1969.

CHARLES C. JOHNSON, JR.,
Administrator, Consumer Protection and Environmental Health Service.

Approved: September 15, 1969.

JAMES FARMER,
Assistant Secretary for Administration.

[F.R. Doc. 69-11292; Filed, Sept. 19, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21322; Order 69-9-68]

DOMESTIC TRUNKLINE CARRIERS

Order of Investigation and Suspension Regarding Proposed Passenger Fare Revisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of September 1969.

By tariff revision [1] filed August 1, 1969, and marked to become effective September 15, 1969, United Air Lines, Inc., proposed to revise its domestic passenger fares within the 48 contiguous States. Subsequently, on August 7 and 11, 1969, Eastern Air Lines, Inc., and Continental Air Lines, Inc., respectively, also filed proposed fare revisions [1] marked to become effective October 1, 1969. On August 13, 1969, American Airlines, Inc., proposed to revise its domestic passenger fares [1] effective September 27, 1969. Northwest Airlines, Inc., filed proposed revisions [1] to its domestic passenger fares on August 20, 1969, with an effective date of October 4, 1969, and Braniff Airways, Inc., on August 22, 1969, filed revisions [1] to its domestic passenger fares with an effective date of October 1, 1969.

All of the tariff revisions propose increased fares, although each of the six carriers takes a different approach to the appropriate level and structure of domestic passenger fares. With the exception of Continental and United, all of the carriers propose to adjust fares in accordance with a formula based on a fixed charge per passenger plus a variable charge based on mileage. United likewise proposes a dual element formula but with a fixed mileage charge, whereas Continental proposes instead to adjust fares by a stated percentage and/or dollar increases which may vary according to distance. All of the carriers except United propose to establish first-class fares at 125 percent of coach. United proposes a ratio of 120 percent. With regard to night coach fares, American would raise all present night coach fares by $3, while the other carriers

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 90, 98, and 101.

would set night coach fares at a level of 75 to 85 percent of the revised jet coach fares.

Several of the carriers have proposed revisions of their domestic discount fare structure concurrently with the proposed changes in coach and first-class fares. Six carriers have proposed to reduce the Discover America discount from 25 percent to 20 percent. A number of carriers would also reduce the youth standby and children's discount from 50 to 40 percent, the youth reservation discount from 33⅓ to 20 percent, and the family fare discounts for spouses to 20 percent and for children to 33⅓ percent. The proposed fare changes heretofore described are detailed in tabular form in Appendix A[1*] of this order.

A complaint has been filed by the Honorable John E. Moss, M.C. (California), and 19 other Members of Congress requesting suspension and investigation of the proposed tariff revisions. The complainants also seek a general fare investigation to determine whether the present fare structure produces a just and reasonable fare. The complainants filed a substantially similar complaint in response to tariff revisions proposed by several of the domestic carriers in March of 1969. The Board, in ordering those tariff revisions suspended and investigated (Order 69-5-28), either disposed of or rendered moot this earlier complaint except as to the request for a general fare investigation, which was deferred pending further informal investigation by the Board's staff into a cost oriented formula for structuring fares. The complainants have incorporated, by reference, the factual justification for the earlier complaint into the instant complaint. Inasmuch as the deferred issue in the earlier complaint is included in the instant complaint, we intend our action herein to be dispositive of the open issue in the earlier complaint.

The principal contentions made by the complainants are that the Board has never established cost and load factor standards against which fares could be judged for fairness and reasonableness, and that the proposed increases should not be permitted until such standards are established and the increases weighed against those standards. The complainants further assert that the fare proposals will further depress load factors and earnings; bring about even greater increases in costs, air traffic congestion, and air pollution; lead to more uneconomical and inefficient use of the nation's airports and airways; and thereby further increase the financial burden on the taxpayers and passengers.

An answer to the complaint has been filed by American. The carrier asserts that the complaint does not set forth facts or arguments warranting a continued postponement of fare adjustments that are urgently required in light of the industry's deteriorating financial position. American alleges that the complaint fails to recognize that over the years the airlines have been able to offset the effects of inflation only by means of improved operating efficiencies, and that such an offset is no longer possible under current economic conditions; that the complainants' sole reason for opposing the fare increases is that the Board has never established standards for cash costs and load factors; and that the alleged lack of fair cash cost and load factor standards is not a valid reason for denying the proposed fare adjustments.

In response to the Board's Order, 69-8-108, setting oral argument on the general question of a fare increase, the domestic trunklines and local service carriers have filed statements of position and presented their views at the oral argument. The carriers urge that there is a pressing need for an increase in regular and promotional fares in order to meet increasing costs which are being incurred in every expense category.

Most of the domestic carriers favor the adoption of a cost-oriented formula for establishing and defining domestic normal passenger fares: *Provided*, That it produces substantial additional revenue; that it more accurately reflects the varying costs of service; and that it be administered with enough flexibility to permit deviation in market situations where justification for a departure from the formula is shown.

Several carriers while not objecting to a formula per se, express reservations about the formulas so far considered. They feel that further analyses should be made to refine the determination of carrier costs in different types of markets, while some are concerned that value of service may not have been adequately considered particularly in connection with short-haul fares. The criticisms of the formula approach are of varying degrees and range from advocacy of greater flexibility of application to requests for fare increases that do not change the present fare structure. The major criticisms of the formula approach are: (1) That such approach is premature at the present time; (2) that it may produce serious anomalies and inequities; (3) that its actual impact is unknown and will vary depending on the carrier and the carriers' operations; (4) that in short-haul markets, it may result in unreasonable fare increases and tend to divert traffic to other modes of transportation; and (5) that it gives no consideration to other rate-making factors such as type of traffic, competition, characteristics of the market, type of travel, and so forth.

A proposal has been made by Mohawk Airlines, Inc., for revising the present method of dividing interline fares. The division of fares proposed by Mohawk is based on the formula approach for establishing coach fares and would apportion an amount to each party to the through fare equal to the fixed, or terminal, charge in the formula, whether the through fare is a joint fare or a combination of locals, with the remainder of the fare being apportioned between the parties in accordance with the normal rate prorate.

Upon consideration of the tariff proposals, the complaint and answer thereto, the statements filed prior to the oral argument and comments made thereat, and other relevant matters, the Board finds that the proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the tariffs in question should be suspended pending investigation.[2]

The Board is, however, of the opinion that the carriers have adequately demonstrated a need for some additional revenue and would be disposed to grant an increase computed in accordance with the criteria set out below. Because of the many anomalies in the existing fare structure and the somewhat tenuous relationship that existing fares on occasion bear to costs of service, we have concluded that adoption of a cost-oriented fare formula would produce a substantial improvement in the domestic fare structure. We are aware that significant objections to such a formula structure have been voiced by certain carriers, particularly with regard to the inhibiting effect it would have on managerial discretion in special situations where factors other than cost should be considered. With this in mind, we propose to allow a degree of flexibility in the application of the formula. We are also especially cognizant that the value of service considerations are highly pertinent in many markets. The fare formula which we propose, while geared to costs, does in fact give substantial recognition to value of service in both long haul and short haul markets, through retention of the concept of internal subsidy, whereby long haul fares are priced above cost plus a fair return, so as to compensate for short haul fares which must be priced somewhat below fully allocated costs in order for traffic to move.

In determining the fare formula which we would accept as providing a reasonable increase in revenue for the carriers while at the same time substantially improving the domestic passenger fare structure, we have reviewed both the formulas developed by the Board's staff, and circulated to the industry for comments earlier this year, and those formulas proposed by the carriers in the recent tariff filings. We find that the formula proposed by American produces a reasonable increase in revenues and recognizes the economies inherent in long haul carriage, actually achieving a reduction from present rates on some long haul routes, as well as the value of service limitations in short haul markets. We therefore propose to accept the basic American formula subject to certain modifications as detailed in the discussion below.

Before considering the formula in detail, however, we deem it appropriate

[1*] Appendices A–D filed as part of the original document.

[2] For procedural reasons the proposed tariff revisions of United Air Lines, Inc., have been ordered suspended and investigated by separate Order, 69-9-30, dated Sept. 5, 1969.

to consider the complaint heretofore described. The complaint is based in large part of the alleged failure of the Board to establish fair cash cost standards. The Board's staff has over the past 3 years conducted extensive studies of carrier costs as related to the fares being charged. In addition, many carriers have conducted similar studies of their own which have been available to the Board and the staff. One of the results of the staff's study was the submission of several possible fare formulas earlier this year to the industry for comments, one of the formulas being based solely on costs of service. The American formula bears a strong correlation to this latter cost formula, although it reflects what we consider a reasonable deviation for long haul and short-haul routes as previously discussed and produces a higher overall level of revenues to compensate for inflationary cost increases occurring since the staff's study of costs was made.

As set forth in a subsequent portion of this order, the carriers have adequately demonstrated a significant increase in costs, which the complainants recognize. To require the carriers to continue operating at present fare levels with operating costs spiraling upward would be contrary to the statutory policy and rate-making criteria contained in the Federal Aviation Act of 1958.[3] We are of the opinion that the formula which we are proposing, while perhaps falling short of the ideal, does offer a substantial improvement over the existing structure and its adoption would be consistent with our statutory duty.

A general fare investigation as requested by complainants is by its very nature a long and complex proceeding. To leave the carriers in status quo while such an investigation was conducted could result in serious and permanent financial damage to some carriers, and there is no rational method available to make a fare increase, which might be granted at the conclusion of the investigation, retroactive as can be done, for example, in a mail rate investigation.[4] Nevertheless, we have decided not to dispose of the request for a general fare investigation at this time. The complainants have raised some questions for which no fully satisfactory answer presently exists, especially the question of load factor standards, and we believe there are other important questions underlying evaluation of fare structure and level, not raised by complainants, which should be given thorough review. However, notwithstanding the existence of these questions, the condition of the industry detailed herein is sufficiently serious as to require immediate fare relief. Moreover, pending our further study of these matters, the Board is unable to conclude at this time that the additional earnings which this order will provide could be achieved by the industry through other courses of action within the carriers' control.

For these reasons, we have determined to undertake an exploration, within the Board, of a number of matters relating to questions such as: What the appropriate rate of return on a carrier's investment should be; how a carrier's rate of return should be computed; should load factor standards be set and if so at what level; should there be a taper in the line haul rate and if so to what degree; what method is most appropriate for determining terminal charges; and what is the proper differential between first-class and coach fares. At the conclusion of our consideration of these matters, we should be in a better position to determine whether a fare investigation is appropriate and, if so, to channel such investigation along the most productive patterns so as to expedite completion of the proceeding within a reasonable time span. We expect to complete our consideration of the foregoing matters and thus be in a position to rule upon complainants' request for a fare investigation in December 1969. Accordingly, we will defer action on the complaint until that time.

Complainants have also challenged the appropriateness of using a line-haul rate based on aircraft mileage rather than aircraft hours. In essence, the complainants take the position that aircraft transit time between city pairs where the airport at one or both is relatively congested is greater than between similarly distant city pairs where a congestion problem does not exist. Thus, it is alleged, costs are higher between the former city pair than the latter. From this they reason that the passengers flying between the congested city pair are given an undue or unreasonable preference over passengers flying between a city pair where this problem does not exist, since the former are paying a lesser percentage of the carrier's cost for their transportation than are the latter.

We are of the view that an important goal of any fare structure is a relatively great degree of uniformity throughout the system, and we recognize that some anomalies will always result from any method of determining fares in a system as complex as the domestic air transport system. Carrying complainants' reasoning to its logical end would not only result in many different fares between different city pairs similarly distant relative to one another, but could also result in many different fares between the same city pair depending upon the period of the day, day of the week, and so on. Moreover, the formula we propose would avoid difficulties such as long-haul-short-haul inconsistencies which might arise under a revenue hour approach. A much simpler approach, and one which would accomplish substantially the same result, would be a variable terminal charge based primarily on congestion but including other terminal variables, such as landing fees. This concept was proposed in several of the formulas developed by the staff and included in the previously referenced study which was distributed to the industry earlier this year. We have, however, decided not to support this relatively simple concept at this time because, even here, there are many unknown or unmeasurable variables which have not so far been reflected in determining the appropriate variation between terminals. Thus, we believe that the advantage to be gained from a variable terminal charge is presently too tenuous to outweigh the advantage in moving now to greater systemwide uniformity. We note, however, that this is one of the questions to be pursued in the explorations previously described.

Turning now to the actual formula which we propose to accept, coach fares will form the core of the fare structure from which all other fares will be based. We believe that the revenue increase produced by the American formula is appropriate as discussed hereinafter, and therefore adopt that formula for our model, to wit:

Fixed charge for all markets: $9

plus

A variable charge based on mileage and in accordance with the following rates per mile for the applicable portions of the total mileage:

Mileage blocks	*Rate per mile (cents)*
0–500	6.0
501–1,000	5.6
1,001–1,500	5.2
1,501–2,000	5.0
Over 2,000	4.8

Use of this formula will have the desirable result of reducing slightly some long haul fares (e.g., Los Angeles-New York from $145 to $141) which have for some time been considerably in excess of costs, while at the same time producing only moderate increases in short haul fares, thus minimizing the impact on the movement of traffic in these markets.

American has proposed that city center to city center mileage be used in computing fares. However, we are of the opinion that direct airport-to-airport mileage offers a more reasonable and rational basis for computing fares and will adopt that mileage basis for our model. We recognize that there will be instances where application of a mileage basis will be inequitable or impractical, as for example, where a carrier is required by its certificate to operate via a circuitous routing. We will permit exceptions to the rule over a particular routing where good cause is shown. Further, it is not our intent to discourage common faring of cities or of airports situated about a single city; we would expect to permit common faring under the proposed formula in much the same manner as we have heretofore, provided

[3] See secs. 102, 404, and 1002(e) thereof.

[4] In any event section 1002(g) permits the Board to suspend tariffs for a maximum period of 180 days, and a proceeding of the scope proposed by the complainants would be impossible to complete in so short a time. In this connection, we would point out that five interim fare increases were permitted during the pendency of the General Passenger Fare Investigation which took some 4½ years to complete.

the mileage used bears a rational relationship to the points so common rated.[5]

The Board has concluded that it would be appropriate at this time for the industry to revert to the conventional technique of rounding computed fares up or down to the nearest dollar. The technique used in recent years was designed to add slightly more taper to the fare structure, a need which is obviated by adoption of the proposed formula.

The Board proposes that first class jet fares be set at 125 percent of the coach fare derived by the above formula, except where the first class fare is today greater than 125 percent of the proposed coach fare, in which case the present fare would be retained.[6] We have selected this level since our cost studies indicate that even with this increase, the first class fares will fall well short of fully meeting the costs of providing the service. On the other hand the Board finds merit in the contention of the carriers generally that we should move gradually toward closer cost orientation in light of value of service limitations and the impact of varying ratios on the overall economics of dual configuration aircraft. It is the Board's intention that this fare level apply only to services which are truly first class in character and quality and not in name only. We would accept night coach fares computed at 75 percent of the new coach fares.[7] For classes of service not specifically enumerated herein, we believe that maintenance of the present dollar differential from jet coach fares provides an acceptable relationship.

With respect to the various promotional fares, the Board would permit the following reduced discounts based on the coach fares derived from the above described formula:

Type of fare	Percent discount[8]
Discover America	20
Youth Standby	40
Youth Reservation	20
Family Plan:	
Children 2-11	50
Children 12-21	33⅓

[5] The city of Seattle, in a statement of position at the oral argument, has requested more equitable treatment vis-a-vis Portland with respect to fares between the two cities and the midwest and southwest, contending that the present disparity in fares is not justified by the mileage differential between the two cities. We believe that application of the proposed formula will alleviate this alleged inequity.

[6] Consistent with recent Board policy, and since the carriers are well along in phasing out propeller services, we will continue to permit establishment of propeller first class fares at the jet level in those markets where the carrier offers jet first class fares. Almost all trunklines have completed phasing out propeller aircraft and the other trunklines have extremely minor propeller services in relation to overall operations.

[7] In applying this relationship, the Board will not require reductions in existing night coach fares.

[8] With respect to the contention of Northwest Airlines that discounts on discounts should be eliminated, the Board would look with favor on tariff amendments that would eliminate these practices (such as children's 50 percent discount on Discover America excursion fares).

As we have previously indicated, the Board concludes that an increase in the industry's revenues is warranted. The carriers point to inflationary cost increases which have exceeded the additional revenue which they received as a result of the fare increase permitted in February. Despite that fare increase, the carrier earnings in the second quarter of 1969 were down substantially from those realized in the corresponding 1968 period. It is clear from data before the Board that payroll expenses have increased significantly since the Board permitted a fare increase to become effective last February. Labor contracts signed by a number of trunkline carriers will involve as much dollar increase in expenses as the February fare increase would yield in dollar revenue. Landing fees have risen sharply; and in the oral argument on September 4, stress was placed by Airport Operators Council, International and others on the probability of further increases. Fuel costs have escalated. Despite some progress in 1969 in alleviating airport congestion, the problem is not solved; and delays at airports impose additional payroll and fuel costs on the carriers. Increased commission rates to travel agents for various categories of domestic ticket sales were made effective as of September 1, 1969. Every trunk carrier is firmly committed to a major capital expansion program involving both new and expensive flight equipment, and major expenditures for ground property and equipment, in order to keep pace with the requirements of the public convenience and necessity and the anticipated growth in traffic. Even if projected capital expenditures of the next several years were adjusted to reflect only the bare minimum capital improvement programs to keep pace with traffic growth, assuming restoration of improved passenger load factors, the industry is confronted with a multibillion dollar requirement for additional capital funds over and above the internally generated cash flow from depreciation and reinvested earnings pursuant to conservative dividend polices. Such additional funding requirements come at the very time when interest rates are at peak levels. Taking into consideration these cost pressures on the carriers, and the marked decline in earnings and profit margin since the February increase, the Board finds that a further increase in fares at this time is necessary from the standpoint of the rate-making standards of section 1002(e) of the Act and the need to maintain the financial vitality of the carriers as a group.

We estimate that the fare adjustments we are prepared to accept would produce increased revenues for the trunkline industry of 7.4 percent in first-class service and 3.6 percent in coach service. Currently, about 82.6 percent of trunkline passenger miles involve travel at coach or economy fares and only about 17.4 percent at first class fares, so that (considering the traffic "mix") such basic fares will be increased by about 4.25 percent.[9] Further, we estimate that an annual increase in revenues equivalent to 2.1 percent may stem from adjustments in promotional fares. Thus, there may be a total revenue increase of approximately 6.35 percent (assuming no diversion or loss of traffic). To the extent of any such dilution, of course, the revenue increase would be less than 6.35 percent. In light of the low level of earnings realized in the most recent periods and the inflationary cost increases being experienced by the carriers, there appears to be no prospect that the fare increases approved herein will enable the industry to reach the 10.5 percent return guideline for the immediate future.[10]

The Board has concluded to permit tariff filings implementing the fare adjustments described above within the 48 contiguous States effective no earlier than October 1, 1969, provided that tariffs shall be filed on not less than 14 days' notice.

In proposing that the industry now adopt a cost-oriented formula, it is not the Board's intent that its application be so rigid as to stifle fare innovation on the part of individual carrier managements. We continue to regard healthy price competition as essential both to development of the industry and the needs of the public. Accordingly, the Board intends to consider fares produced by the formula as a "just and reasonable" ceiling, and any fare in excess of this ceiling would be viewed prima facie as outside the realm of justness and reasonableness and would ordinarily be suspended and ordered investigated. However, increases above the ceiling would be considered where strong justification was shown, and upon a tariff filing providing at least 75 days' notice to permit the Board adequate time for review of the arguments in justification. This approach will also pertain in the case of filings proposing increases in any other fares which have not been specifically dealt with herein. On the other hand, fares proposed below the ceiling would continue to receive normal scrutiny by the Board, and the Board will not expect the above notice period for such filings.

On May 8, 1969, in an order suspending proposed passenger fare revisions the Board expressed the following view with respect to the situation stemming from the absence of published joint fares between numerous domestic points where passengers are now traveling in significant numbers:

"* * * the Board is of the opinion that inconsistencies arising from the lack of published joint fares are inseparable

[9] As indicated in the footnote of Appendix B (filed as part of the original document), the estimated fare increase is overstated to the extent that intrastate fares currently at depressed levels are not susceptible of immediate increase to the level of the basic formula.

[10] The diminished level of net income and rate of return experienced by the industry for the 12-month period ending Mar. 31, 1969, as compared with the prior period, is set forth in Appendix C which is filed as part of the original document.

from the inconsistencies which may exist in presently published local fares. We believe that correction of both should proceed simultaneously. A significant number of passengers are today traveling in markets where one carrier service is not available, and where no joint fare is published for intercarrier connecting service. Passengers traveling in such markets must pay a combination of local fares, each of which reflects the February increases. Fares for these passengers, therefore, reflect a compounding of increases which the formula permitted by the Board in February 1969 was not intended to reflect. The Board finds no reason for continuing such inequity." (Order 69-5-28)

Subsequently by Order 69-8-85, dated August 15, 1969, the Board granted all domestic carriers authority to discuss single-sum joint fares and open routings for such fares for a period of 90 days from the date of the order. We consider the fare structure improvements to be derived from the formula proposed herein and increased publication of joint fares are interrelated parts of an integrated whole, and the Board is not prepared to accept one without the other.

For this reason, we will require that any tariff filed implementing the proposed formula, shall contain an expiration date of January 31, 1970. In order to insure an effective tariff after that date we will also require that such tariff filing shall be accompanied by a refiling of existing fares for a proposed effective date of February 1, 1970, so as to require the filing of a new tariff subject to review by the Board before the carriers can extend the effectiveness of the new fare filings beyond January 31, 1970. We will also extend the discussion authority granted in Order 69-8-85, which presently expires November 13, 1969, to January 15, 1970.

The Board is concerned that the present division of through fares as between long haul and short haul carriers may be resulting in an inequitable distribution of revenue to the short haul carrier. Accordingly, we will amend Order 69-8-85 to include in the discussions authorized the question of division of fares between long and short haul carriers. We favor a division which is more closely oriented toward actual costs of the respective carriers involved, and believe that there may be considerable merit in the approach proposed by Mohawk, particularly in view of the fact that the formula we are proposing will not produce fares in short haul markets which will cover the fully allocated costs of such services. We expect that a more equitable method of division will provide the short haul carriers with a significantly greater percentage benefit than will be the case with the long haul carriers, and have considered this eventuality in reaching a decision as to the level of increased revenues which we will permit. We therefore wish to make clear that in reviewing the tariffs to be filed for effectiveness on and after February 1, 1970, the Board will give great weight to the industry's conformance with the Board's findings as to the need for publication of additional joint fares at a satisfactory level, as well as to the implementation of a more satisfactory division of interline revenues that would reflect the cost and value of service considerations inherent in long haul vs. short haul pricing.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix D attached hereto,[10] and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix D hereto are suspended and their use deferred to and including December 25, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The request for the institution of a general rate proceeding to investigate the structure and construction of domestic passenger fares, contained in the complaint in Docket 21326, is hereby deferred. Except to the extent deferred or granted herein the complaint in Docket 21326 is denied.

4. Order 69-8-85 be amended to the extent that the period during which discussions are authorized is extended to January 15, 1970.

5. Order 69-8-85 be further amended to add to the subject matter authorized for discussion the question of the divisions of through fares between participating carriers including specifically the actual formula for allocating such divisions;

6. The investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

7. A copy of this order will be filed with the aforesaid tariffs and served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., and United Air Lines, Inc., which are made parties to this proceeding; and

8. A copy of this order will also be served upon Air West, Inc., Allegheny Airlines, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc., and upon the complainants herein, which are made parties hereto.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[11]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-11302; Filed, Sept. 19, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-187, etc.]

HUNT OIL CO. ET AL.

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

SEPTEMBER 12, 1969.

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

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-

[11] Concurring and dissenting statement of Vice Chairman Murphy and members Minetti and Adams filed as part of the original document.

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

designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before October 30, 1969.

By the Commission.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-187..	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202, Attention: Donald K. Young, Esq.	[3] 67	1	Trunkline Gas Co. (Blocks 179 and 187 Fields, South Timalier Area, Offshore Louisiana).	$8,700	8-19-69	[4] 9-19-69	[5] 9-20-69 [7] [8]	18.5	[6] [7] 20.0	
RI70-188..	Placid Oil Co., 2500 First National Bank Bldg., Dallas, Tex. 75202, Attention: Paul W. Hicks, Esq.	[10] 46	[11] 1	.....do.....	8,700	8-18-69	[4] 9-18-69	[5] 9-19-69 [7] [12]	18.5	[6] [7] 20.0	
RI70-189..	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	[13] 50	2	United Fuel Gas Co. (Block 162 Field, Vermilion Area, Offshore Louisiana).	16,200	8-18-69	[4] 9-18-69	[5] 9-19-69 [7] [13]	18.5	[6] [7] 20.0	
RI70-190..	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	307	33	El Paso Natural Gas Co. (Big Piney Field, Sublette County, Wyo.).	689	8-11-69	[14] 9- 1-69	[15] 9- 2-69	[16] 17.0 [16] 18.0	[6] [17] [18] 17.1275 [6] [17] [18] 18.1350	RI69-374. RI69-374.
	.....do.....	415	4	Mountain Fuel Supply Co. (West Side Canal Unit, Carbon County, Wyo.).	750	8-11-69	[14] 9- 1-69	[15] 9- 2-69	[19] 15.0	[6] [17] [18] 15.075	
	.....do.....	457	1	El Paso Natural Gas Co. (Mickelson Creek Field, Sublette County, Wyo.).	11	8-11-69	[14] 9- 1-69	[15] 9- 2-69	[19] 14.3584	[6] [17] [18] 14.46609	
	.....do.....	507	1	Mountain Fuel Supply Co. (West Side Canal Area, Carbon County, Wyo.).	1,256	8-11-69	[14] 9- 1-69	[15] 9- 2-69	[19] 15.0	[6] [17] [18] 15.075	
RI70-191..	Pan American Petroleum Corp. (Operator) et al.	409	2	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo.).	143	8-11-69	[14] 9- 1-69	[15] 9- 2-69	13.0	[6] [17] [18] 13.065	
RI70-192..	Estate of Nellie L. Barnes, deceased, 115 South Jefferson St., Mexico, Mo. 65265.	1	2	Panhandle Producing Co.[21] (Hutchinson County, Tex.) (RR. District No. 10).	320	8-18-69	[22] 9-18-69	[15] 9-19-69	[23] 7.75	[22] [24] [25] 8.75	
RI70-193..	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221.	70	13	Phillips Petroleum Co.[27] (Texas-Hugoton Field, Sherman County, Tex.) (RR. District No. 10).	175	[26] 8-20-69	[22] 9-20-69	[15] 9-21-69	[23] 10.5924	[22] [24] [25] 10.7301	RI61-384.

[3] Contract dated Nov. 27, 1968.
[4] The stated effective date is the first day after expiration of the statutory notice period, or the date or initial delivery, whichever is later.
[5] Rate increase filed pursuant to Paragraph (A) of Opinion No. 546-A issued Mar. 20, 1969.
[6] Pressure base is 15.025 p.s.i.a.
[7] Subject to quality adjustments.
[8] Area base rate for gas well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[9] Initial rate as conditioned by temporary certificate issued July 7, 1969, in Docket No. CI69-727.
[10] Contract dated Nov. 27, 1968.
[11] As supplemented by letter dated Aug. 18, 1969.
[12] Initial rate as conditioned by temporary certificate issued July 7, 1969, in Docket No. CI69-781.
[13] Contract dated Apr. 11, 1969.
[14] Initial rate as conditioned by temporary certificate issued Aug. 8, 1969, in Docket No. CI69-1027.
[15] The stated effective date is the effective date requested by Respondent.
[16] The suspension period is limited to 1 day.
[17] Tax reimbursement increase.
[18] Tax portion of rate does not apply to volumes attributable to state or federal royalty.
[19] For gas delivered to buyer at 800 p.s.i.g. or below.
[20] Initial rate.
[21] Panhandle Producing resells the gas to Colorado Interstate Gas Co. under its Rate Schedule No. 2 at a rate of 15 cents plus applicable tax reimbursement and under its Rate Schedule No. 3 at a rate of 17 cents plus applicable tax reimbursement subject to refund in Docket No. RI64-576.
[22] The stated effective date is the first day after expiration of the statutory notice.
[23] Periodic rate increase.
[24] Pressure base is 14.65 p.s.i.a.
[25] Subject to a downward B.t.u. adjustment.
[26] Corrected by filing submitted on Aug. 25, 1969.
[27] Phillips gathers and processes the gas and resells the residue gas to Michigan Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 at a rate of 15.22 cents plus applicable tax reimbursement subject to refund in Docket No. RI65-536. A rate of 16.22 cents plus applicable tax reimbursement is under suspension in Docket No. RI70-28 until Jan. 1, 1970.

Hunt Oil Co. (Hunt) and Placid Oil Co. (Placid) request that their proposed rate increases be permitted to become effective as of September 15, 1969. Forest Oil Corp. (Forest) requests that its proposed rate increase be permitted to become effective on the date of initial delivery. The Estate of Nellie L. Barnes, Deceased (Barnes), requests a retroactive effective date of February 1, 1968, and the American Petrofina Company of Texas (Petrofina) requests that its proposed rate increase be permitted to become effective as of August 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Hunt, Placid, and Forest's proposed rate increases from 18.5 cents to 20 cents per Mcf involve sales of third vintage gas well gas in offshore Louisiana and were filed pursuant to ordering paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20-cent base rate established in Opinion No. 546 for onshore gas well gas. The producers involved herein were issued conditioned temporary certificates authorizing the collection of the third vintage prices established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustment). Deliveries of gas have not as yet commenced under the subject sales.

Consistent with previous Commission action on similar rate filings, we conclude that these producers' proposed rate increases should be suspended for 1 day from September 19, 1969, the expiration date of the statutory notice, or for 1 day from the date of initial delivery, whichever is later. Thereafter, Hunt, Placid and Forest's proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding in Docket No. AR69-1.

Pan American Petroleum Corp. and Pan American Petroleum Corp. (Operator), et al.

(both referred to herein as Pan American), proposes increased rates reflecting partial reimbursement for the recently enacted Wyoming Severance Tax. Pan American's proposed rate increases exceed the area increased rate ceiling of 13 cents per Mcf for Wyoming as announced in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56). Consistent with prior Commission action on tax reimbursement increases that exceed the increased ceiling rate, Pan American's proposed increased rates are suspended for 1 day. Pan American requests waiver of the 30-day notice requirement to the extent necessary to permit an effective date of September 1, 1969, for its proposed tax reimbursement increases. Good cause has been shown for granting Pan American's request for waiver of the statutory notice to permit an effective date of September 1, 1969, for the subject rate filings. Pan American's rate filings are suspended for 1 day from September 1, 1969, the requested effective date. Pan American is advised, however, that in the event that the Wyoming severance tax is held invalid upon judicial review, Pan American will be required to refund the amounts collected relating to such tax.

Petrofina proposes an increase in rate from 10.5924 cents to 10.7306 cents for a sale of gas to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10. Phillips gathers and processes the gas in its Sherman Gasoline Plant and resells the gas under its FPC Gas Rate Schedule No. 4 to Michigan Wisconsin Pipe Line Co. at a current effective rate of 15.22 cents plus tax reimbursement which is subject to refund in Docket No. RI65–526. Phillips has recently filed an increase to 16.22 cents plus tax reimbursement which is currently suspended until January 1, 1970, in Docket No. RI70–28. Although Petrofina's proposed 10.7306-cent rate does not exceed the 11 cents per Mcf area increased rate ceiling for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61–1, as amended, it should be suspended because such ceiling is applicable to Phillips' resale rate and not to Petrofina's rate. Since Phillips' resale rates are in effect subject to refund, we conclude that Petrofina's rate increase should be suspended for 1 day from September 20, 1969, the expiration date of the statutory notice.

Barnes proposes an increase in rate from 7.75 cents to 8.75 cents for a sale of gas to Panhandle Producing Co. (Panhandle) in Texas Railroad District No. 10. Panhandle gathers and processes the gas in its Henderson Gasoline Plant and resells the gas to Colorado Interstate Gas Co. under its FPC Gas Rate Schedules Nos. 3 [2] and 2 at rates of 17 cents plus tax reimbursement effective subject to refund in Docket No. RI64–576 and a rate of 15 cents not subject to refund, plus tax reimbursement, respectively. Although Barnes' proposed rate increase to 8.75 cents per Mcf does not exceed the area increased rate ceiling of 11 cents per Mcf for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61–1, as amended, it should be suspended because such ceiling is applicable to Panhandle's resale rate not to Barnes' rate. Since Panhandle's rates are in effect subject to refund, we conclude that Barnes' rate should be suspended for 1 day from September 18, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69–11173; Filed, Sept. 19, 1969; 8:45 a.m.]

[Docket No. RI70–194, etc.]

SKELLY OIL CO. ET AL.

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

SEPTEMBER 12, 1969.

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

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

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

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 30, 1969.

By the Commission.

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

[2] Previously Ashland Oil & Refining Co.'s FPC Gas Rate Schedule No. 107. Panhandle succeeded to the interests of Ashland under this rate schedule.

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-194	Skelly Oil Co. Post Office Box 1650, Tulsa, Okla. 74102, Attention: David E. Byers, Esq.	10	13	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Bay City Field, Matagorda County, Tex.) (R.R. District No. 3).	$18,835	8-18-69	[3] 9-18-69	2-18-70	15.6	[4] [5] 16.6	RI65-526.
	do	11	11	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (East Bay City Field, Matagorda County, Tex.) (R.R. District No. 3).	51,776	8-18-69	[3] 9-18-69	2-18-70	15.6	[4] 16.6	RI65-526.
	do	126	6	West Lake Natural Gasoline Co.[3] (Nena Lucia Field, Nolan County, Tex.) (R.R. District No. 7-B).	3,540	8-21-69	[3] 9-21-69	[6] 1-1-70	9.0	[4] [7] 9.5	RI65-175.
	do	170	1	Northern Natural Gas Co. (Hitchland Field, Hansford County, Tex.) (R.R. District No. 10).	1,026	8-18-69	[3] 9-18-69	2-18-70	[8] 16.5	[4] [9] 18.5	
RI70-195	W. L. Popejoy, 1519 The 600 Bldg., Corpus Christi, Tex. 78401.	1	3	Transcontinental Gas Pipe Line Co. (Washburn Ranch Field, La Salle County, Tex.) (R.R. District No. 1).	5,400	8-18-69	[10] 9-18-69	2-18-70	[11] 14.0	[4] [11] 15.5	
RI70-196	Granite Oil Trust No. 2, Post Office Box 12384, San Antonio, Tex. 78212.	1	10	United Gas Pipe Line Co. (Albrecht Field, Goliad County, Tex.) (R.R. District No. 2).	1,834	8-18-69	[10] 9-18-69	2-18-70	12.0	[4] [12] 18.3	
RI70-197	Estate of Elizabeth R. Sharp, deceased, c/o H. J. Rmaker, Esq., First National Bank Bldg., Midland, Tex. 79701.	1	2	El Paso Natural Gas Co. (Red Hills Area, Lea County, N. Mex.) (Permian Basin Area).	5,615	8-18-69	[3] 9-18-69	2-18-70	[13] 17.69	[4] [13] 19.69	
RI70-198	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	251	5	Mountain Fuel Supply Co. (Trail Unit Area, Sweetwater County Wyo.).	6,030	8-15-69	[3] 9-29-69	2-28-70	[14] 13.065	[4] [15] 14.070	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-199..	Texas Pacific Oil Co., Inc.,[19] 1700 One Main Pl., Dallas, Tex. 75250.	79	2	Kansas-Nebraska Natural Gas Co. (Wind River Basin Field, Fremont and Natrona Counties, Wyo).	$18,680	8-18-69	[3] 10- 1-69	3- 1-70	[20] 15.0	[3 4] 16.0	
RI70-200..	Texaco, Inc., Post Office Box 3109, Midland, Tex.	291	21	El Paso Natural Gas Co. (Spraberry Trend Field, Reagan County, Tex.) (RR. District No. 7-C).	1,723	8-18-69	[10] 9-18-69	2-18-70	18.2430	[3 4 21] 19.2565	RI68-457.
	do	292	8	El Paso Natural Gas Co. (Sweetie Peck Field, Midland County, Tex.) (RR. District No. 8).	2,754	8-18-69	[10] 9-18-69	2-18-70	[22] 14.85	[3 4 21] 19.2565	
	do	293	9	El Paso Natural Gas Co. (Pegasus Gasoline Plant, Midland County, Tex.) (RR. District No. 8).	37	8-18-69	[10] 9-18-69	2-18-70	18.158	[3 4 21] 19.1667	RI68-457.
	do	294	7	El Paso Natural Gas Co. (Spraberry Drive Field, Reagan County, Tex.) (RR. District No. 7-C).	193	8-18-69	[10] 9-18-69	2-18-70	18.2430	[3 4 21] 19.2565	RI68-457.
	do	349	5	El Paso Natural Gas Co. (Pegasus Gasoline Plant, Midland County, Tex.) (RR. District No. 8).	64	8-18-69	[10] 9-18-69	2-18-70	18.1580	[3 4 21] 19.1667	RI68-462.[28]
	do	350	8	El Paso Natural Gas Co. (North Justice Field, Lea County, N. Mex.).	9,410	8-18-69	[10] 9-18-69	2-18-70	16.50	[3 4] 17.50	
RI70-201..	Texaco Inc. (Operator) et al.	328	7	El Paso Natural Gas Co. (Fuller Gasoline Plant, Scurry County, Tex.) (RR. District No. 8)	5,980	8-18-69	[10] 9-18-69	2-18-70	17.1148	[3 4 21] 18.1215	RI65-116. RI68-461.
RI70-202..	Etchieson & Gross Associates, Post Office Box 188, Borger, Tex.	1	4	Phillips Petroleum Co.[24] (Hugoton Field, Texas County, Okla. (Panhandle Area) and Sherman County, Tex.) (RR. District No. 10)	480	8-18-69	[10] 9-18-69	2-18-70	[23] 9.0	[3 4 23] 10.0	RI65-184.
RI70-203..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	356	3	Panhandle Eastern Pipe Line Co. (Northwest Avard Field, Woods County, Okla.) (Oklahoma "Other" Area).	84	8-18-69	[3] 10- 1-69	3- 1-70	[26] 17.0	[3 4 9] 18.015	RI68-261.
RI70-204..	Phillips Petroleum Co. (Operator), Bartlesville, Okla. 74003.	5	32	Panhandle Eastern Pipe Line Co. (Hansford Plant, Hugoton Field, Hansford County, Tex.) (RR. District No. 10).	218,000	8-18-69	[3] 10- 1-69	3- 1-70	[9] 14.0	[3 4 9] 15.0	RI65-220.
RI70-205..	Thomas E. Berry, agent (Operator), et al., Post Office Box 111, Stillwater, Okla.	1	6	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	281	[27] 8-13-69	[3] 9-13-69	2-13-70	[29 30 31] 18.853	[3 4 29 30 31 32] 19.977	RI67-142.
					403				[29 30 31] 19.329	[3 4 29 30 31 32] 20.481	RI67-142.
RI70-206.....	do	3	6	do	388	[27] 8-13-69	[3] 9-13-69	2-13-70	[29 32 33] 17.488	[3 4 29 32 33] 18.596	
					1,652				[29 34] 18.1	[3 4 9 29 34] 19.315	RI67-143.
RI70-207..	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	221	2	Panhandle Eastern Pipe Line Co. (Aledo Field, Hunton Formation, Dewey and Custer Counties, Okla.) (Oklahoma "Other" Area).	266,800	8-22-69	[3] 9-22-69	2-22-70	[25] 15.0	[4 25 31] 17.9	
	do	303	2	Panhandle Eastern Pipe Line Co. (Aledo Field, Shallow, Dewey, and Custer Counties, Okla.) (Oklahoma "Other" Area).	2,146	8-22-69	[3] 9-22-69	2-22-70	[26] 15.0	[4 25 31] 17.9	
RI70-208..	Husky Oil Co. of Delaware, Post Office Box 380, Cody, Wyo. 82414.	22	2	Northern Natural Gas Co. (Shapley (Morrow) Field, Hansford County, Tex.) (RR. District No. 10).	562	8-25-69	[3] 10- 9-69	3- 9-70	[26] 17.0	[3 4 25] 18.0	
RI70-209..	The Flour Corp., Ltd., 615 Midland Tower, Midland, Tex. 79701.	20	3	Phillips Petroleum Co.[24] (West Panhandle Field, Moore and Sherman Counties, Tex.) (RR. District No. 10).	1,518	8-20-69	[3] 9-20-69	2-20-70	[27] 11.0	[3 4 27] 12.0	

[3] The stated effective date is the effective date requested by Respondent.
[9] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] For resale to El Paso Natural Gas Co. under West Lake's FPC Gas Rate Schedule No. 1.
[6] Expiration of the suspension period for West Lake's related rate increase.
[7] Revenue-sharing rate increase.
[8] Two-step periodic rate increase.
[9] Subject to a downward B.t.u. adjustment.
[10] The stated effective date is the first day after expiration of the statutory notice.
[11] From initial rate to contractually provided for periodic increase.
[12] Temporary certificated initial rate per Docket No. CI69-1170.
[13] Redetermined rate increase.
[14] Includes compression and dehydration charges of 4.3 cents per Mcf. Subject to downward B.t.u. adjustment.
[15] Base rate of 17.5 cents per Mcf plus B.t.u. adjustment of 2.1 cents per Mcf adjusted from base of 1,000 B.t.u.
[16] Base rate of 16.58 cents per Mcf plus B.t.u. adjustment of 1.11 cents per Mcf adjusted from base of 1,050 B.t.u.
[17] Pressure base is 15.025 p.s.i.a.
[19] Suspended for 1 day from Sept. 1, 1969.
[19] Formerly Joseph E. Seagram & Sons, Inc. doing business as Texas Pacific Oil Co.
[20] Initial rate.
[21] Proposed increased rate is contractually provided rate.
[22] Applicable to casinghead gas.
[23] Applicable to residue gas not derived from new gas-well gas.
[24] Phillips gathers and processes the gas and resells the residue gas to Michigan Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 at a rate of 15.22 cents plus applicable tax reimbursement subject to refund in Docket No. RI65-526. A rate of 16.22 cents plus applicable tax reimbursement is under suspension in Docket No. RI70-28 until Jan. 1, 1970.
[25] Subject to a 0.4466-cent deduction for sour gas.
[26] Subject to upward and downward B.t.u. adjustment.
[27] Corrected by filing submitted Aug. 21, 1969.
[28] Kamas Unit.
[29] Includes 0.015-cent tax reimbursement.
[30] Includes base rates of 17 cents plus 1.853 cents upward B.t.u. adjustment (Kamas Unit–1109 B.t.u. gas) and 2.329 cents upward B.t.u. adjustment (Whitmarsh Unit–1137 B.t.u. gas) before increase and base rates of 18 cents plus 1.962 cents upward B.t.u. adjustment (Kamas Unit) and 2.499 cents upward B.t.u. adjustment (Whitmarsh Unit) after increase.
[31] Whitmarsh Unit.
[32] Includes base rate of 16 cents plus 1.488 cents upward B.t.u. adjustment before increase and base rates of 17 cents plus 1.581 cents upward B.t.u. adjustment (1,093 B.t.u. gas) after increase.
[33] Evans Unit.
[34] Rose Smith Unit.
[35] "Fractured" rate increase. Filing from initial certificated rate. Respondent contractly due 19 cents per Mcf.
[36] It cannot be determined whether the gas is resold under Phillips' FPC Gas Rate Schedules Nos. 4 or 5. Phillips resells the gas processed through its Hansford and Sherman Co. Plants under its FPC Gas Rate Schedule Nos. 4 and 5 to Michigan-Wisconsin Pipe Line Co. and Panhandle Eastern Pipe Line Co. at present effective rates of 15.22 cents, plus applicable tax reimbursement, and 14 cents, respectively, which are effective subject to refund. A rate of 16.22 cents is presently suspended in Docket No. RI70-28 until Jan. 1, 1970 under Phillips' Rate Schedule No. 4 and a proposed rate of 15 cents under Phillips' Rate Schedule No. 5 is suspended herein.
[37] Sweet gas rate. Rate is subject to 0.4466-cent deduction by buyer for sour gas.

W. L. Popejoy requests that his proposed rate increase be permitted to become effective as of August 18, 1969. Granite Oil Trust No. 2 requests a retroactive effective date of June 19, 1969. Texaco, Inc., and Texaco, Inc. (Operator) et al., request an effective date of August 1, 1969, for their proposed rate increases, and Etchieson & Gross Associates requests an effective date of August 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Humble Oil & Refining Co. (Humble) request that should the Commission suspend its proposed rate increase that the suspension period with respect thereto be shortened to 1 day. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension period with respect to Humble's rate filing and such request is denied.

Skelly Oil Co.'s (Skelly) proposed increased rate contained in Supplement No. 6 to its FPC Gas Rate Schedule No. 126 is a revenue-sharing increase for a sale to West Lake Natural Gasoline Co. (West Lake). West Lake resells the gas after gathering and processing to El Paso Natural Gas Co. (El Paso). The contract between Skelly and West Lake provides that West Lake pay Skelly 50 percent of the amount it receives from El Paso. West Lake has filed for a periodic increase from 18 cents to 19 cents per Mcf for its sale to El Paso. Such increase was suspended in Docket No. RI70-54 for 5 months until January 1, 1970, because it exceeds the 11.5 cents per Mcf increased ceiling for the area involved. Although Skelly's proposed 9.5 cents per Mcf increase does not exceed the 11.5 cents area increased rate ceiling for Texas Railroad District No. 7-B as anonunced in the Commission's statement of general policy No. 61-1, as amended, it is a percentage of West Lake's suspended resale rate, and consistent with prior Commission action we conclude that it should be suspended until January 1, 1970, the expiration date of the suspension period for West Lake's related increase.

Etchieson & Gross Associates (Etchieson) proposes an increase from 9 cents to 10 cents per Mcf for a sale to Phillips Petroleum Co. (Phillips) which is resold under Phillips' FPC Gas Rate Schedule No. 4. Phillips has field for a 16.22 cents rate under its FPC Gas Rate Schedule No. 4 which is currently suspended until January 1, 1970. In these circumstances we believe Etchieson's proposed rate should be suspended until January 1, 1970, to coincide with Phillips' suspension period, even though Etchieson's proposed rate increase is below the area increased rate ceiling for Texas Railroad District No. 10.

The Fluor Corp., Ltd., (Fluor) also proposes an increase to Phillips from 11 cents to 12 cents per Mcf. However, it cannot be determined whether the gas is resold by Phillips under its Rate Schedule Nos. 4 or 5. Phillips has proposed an increased rate to 15 cents for the sale of gas under its FPC Gas Rate Schedule No. 5 which is suspended herein for 5 months from October 1, 1969, in Docket No. RI70-204. Phillips' proposed increased rate of 16.22 cents for sales under its FPC Gas Rate Schedule No. 4 is also under suspension in Docket No. RI70-28 until January 1, 1970. Fluor's proposed 12 cents rate exceeds the area increased rate ceiling of 11 cents for Texas Railroad District No. 10. Since it cannot be determined whether the gas is resold under Phillips' Rate Schedule Nos. 4 or 5, we believe that Fluor's proposed rate should be suspended until January 1, 1970, the lesser of the two suspension periods involved under Phillips' Rate Schedule Nos. 4 and 5.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56) with the exception of the rate increases filed by the Estate of Elizabeth R. Sharp, Deceased, in the Permian Basin Area which exceeds the just and reasonable rate established by the Commission in Opinion No. 468,[2] as amended, and Skelly and Etchieson's rates.

[F.R. Doc. 69-11174; Filed, Sept. 19, 1969; 8:45 a.m.]

[Docket No. RI70-210, etc.]

TEXAS PACIFIC OIL CO., INC., ET AL.

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

SEPTEMBER 12, 1969.

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

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

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

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 29, 1969.

By the Commission.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-210	Texas Pacific Oil Co., Inc.,[3] 1700 One Main Pl., Dallas, Tex. 75250.	11	16	El Paso Natural Gas Co. (Payton Field, Pecos County, Tex) (RR. District No. 8) (Permian Basin Area).	$189	8-14-69	[2] 9-14-69	2-14-70	16.7228	[4] 17.7363	RI69-598.
	....do.[3]	13	21	El Paso Natural Gas Co. (Jalmat, et al., Fields, Lea County, N. Mex.) (Permian Basin Area).	34,270	8-14-69	[2] 9-14-69	2-14-70	[5] 16.8793	[4] [6] 17.9023	RI69-598.
	....do.[3]	14	14		2,193				[5] 16.44	[6] [7] 17.9023	
				El Paso Natural Gas Co. (South Fullerton Plant, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	3,914	[8] 8-14-69	[2] 9-14-69	2-14-70	15.19	[6] 19.1044	
	....do.[3]	15	9	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	523	8-14-69	[2] 9-14-69	2-14-70	14.5	[6] 19.2565	
	....do.[3]	17	10	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.) (Permian Basin Area).		[10] 8-14-69	[2] 9-14-69	2-14-70	[5] 16.8793	[4] [6] 17.9023	RI69-598.
	....do.[3]	29	10	El Paso Natural Gas Co. (King Mountain Field, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	1,368	8-14-69	[2] 9-14-69	2-14-70	15.2025	[4] 16.2160	RI69-585.
	....do.[3]	37	12	El Paso Natural Gas Co. (Levelland Field, Cochran County, Tex.) (RR. District No. 8) (Permian Basin Area).	46	8-14-69	[2] 9-14-69	2-14-70	16.7228	[4] 17.7363	RI69-585.

See footnotes at end of table.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-210	Texas Pacific Oil Co., Inc.,[12] 1700 One Main Pl., Dallas, Tex. 75250.	38	9	El Paso Natural Gas Co. (Crosby-Devonian Field, Lea County, N. Mex.) (Permian Basin Area).	(10)	8-14-69	[2] 9-14-69	2-14-70	14.12	[4][7] 17.9023	
	do.[12]	41	10	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	(10)	8-14-69	[2] 9-14-69	2-14-70	13.20	[4][7] 17.9063	
	do.[12]	44	14	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.) (Permian Basin Area).	$941	8-14-69	[2] 9-14-69	2-14-70	[5] 16.8793	[5][8] 17.9023	RI69-586.
	do.[12]	56	14	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	573	8-14-69	[2] 9-14-69	2-14-70	[5] 16.8793	[5][8] 17.9023	RI69-585.
	do.[12]	57	13	do	51	8-14-69	[2] 9-14-69	2-14-70	[5] 16.8793	[5][8] 17.9023	
RI70-211	Texas Pacific Oil Co. (Operator) et al.[12]	28	13	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	1,054	8-14-69	[2] 9-14-69	2-14-70	[5] 16.8793	[5][8] 17.9023	RI69-586.
	do.[12]	40	18	El Paso Natural Gas Co. (Langlie-Mattix and Jalmat Fields, Lea County, N. Mex.) (Permian Basin Area).	3,580	8-14-69	[2] 9-14-69	2-14-70	[5] 16.8793	[5][8] 17.9023	RI69-586.
	do.[12]	42	21	El Paso Natural Gas Co. (Various Field, Lea County, N. Mex.) (Permian Basin Area).	5,238	8-14-69	[2] 9-14-69	2-14-70	[5] 16.8793	[5][8] 17.9023	RI69-586.
	do.[12]	43	12	do	102	8-14-69	[2] 9-14-69	2-14-70	[5] 16.8793	[5][8] 17.9023	RI69-586.
	do.[12]	36	7	El Paso Natural Gas Co. (Henderson Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	(10)	8-14-69	[2] 9-14-69	2-14-70	14.5	[4][7] 17.7363	
	do.[12]	58	29	El Paso Natural Gas Co. (Various Field, Lea County, N. Mex.) (Permian Basin Area).	27,437	8-14-69	[2] 9-14-69	2-14-70	[5] 16.8793	[5][8] 17.9023	RI69-586.
	do.[12]	59	14	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	460	8-14-69	[2] 9-14-69	2-14-70	[5] 16.8793	[5][8] 17.9023	
RI70-212	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	402	2	Transwestern Pipeline Co. (Rock Tank Morrow Field, Eddy County, N. Mex.) (Permian Basin Area).	3,082	8-18-69	[2] 9-18-69	2-18-70	[11] 16.48	[4][7] 17.55	
RI70-213	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	520	10	El Paso Natural Gas Co. (Headlee Plant, Ector County, Tex.) (RR. District No. 8) (Permian Basin Area.)	(10)	8-18-69	[2] 9-18-69	2-18-70	15.74	[4][7] 19.1283	
RI70-214	W. J. Goldston et al., c/o Goldston Oil Corp., 1615 Houston Bank & Trust Tower, Houston, Tex. 77002.	3	1	Kansas-Nebraska Natural Gas Co., Inc. (Flat Top Field, Converse County, Wyo.).	1,680	8-19-69	[2] 9-19-69	2-19-70	15.0	[4][6] 16.0	

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[5] Not applicable to acreage added by Supplement No. 18.
[6] Increase from applicable area ceiling rate to contract rate.
[7] Initial rate applicable to acreage added by Supplement No. 18.
[8] Corrected by filing of Aug. 27, 1969.
[9] No current production.
[10] Initial rate.
[12] Formerly Joseph E. Seagram & Sons, Inc. doing business as Texas Pacific Oil Co.

W. J. Goldston et al. (Goldston), requests waiver of the statutory notice to permit their proposed rate increase to become effective as of August 19, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Goldston's rate filing and such request is denied.

Fourteen of the proposed rate increases herein reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein with respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

With the exception of the rate increase filed by Goldston which exceeds the area increased rate ceiling for Wyoming as announced in the Commission's statement of general policy No. 61-1, as amended, the rate increases filed by the producers for sales in the Permian Basin Area exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended.

[F.R. Doc. 69-11175; Filed, Sept. 19, 1969; 8:45 a.m.]

[Docket No. CP70-54]

MARENGO CORP.

Notice of Application

SEPTEMBER 15, 1969.

Take notice that on September 8, 1969, Marengo Corp. (Applicant), 415 First National Building, Birmingham, Ala. 35203, filed in Docket No. CP70-54 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate certain facilities to be used in the transportation of natural gas in interstate commerce, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to transport gas from Southern Natural Gas Co.'s (Southern) main line to the Naheola Plant of American Can Co. (American) by means of regulating facilities at the point of delivery and a transmission line of 6⅝ inches O.D. steel pipe near M.P. 113.303 on Southern's main south line. Applicant states the construction and operation of the proposed facilities will enable it to meet the increase in demand at the Naheola Plant due to an increase in production by American.

The total estimated cost of the proposed facilities is $251,838, which will be financed by cash on hand or conversion of temporary investments.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-11243; Filed, Sept. 19, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Charter New York Corp., New York, N.Y., for approval of acquisition of voting shares of the successor by merger to Scarsdale National Bank and Trust Co., Scarsdale, N.Y.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Charter New York Corp., New York, N.Y., a registered bank holding company, for the Board's prior approval of the acquisition of all (less directors' qualifying shares) of the outstanding voting shares of a new national bank into which it is proposed that Scarsdale National Bank and Trust Co., Scarsdale, N.Y., will be merged.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller's views are consistent with approval of the application.

As discussed in the accompanying Statement, the New York State Banking Board approved an application involving the same proposal in accordance with a recommendation of the New York State Superintendent of Banks, and advised this Board of its action.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 17, 1969 (34 F.R. 9472), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority,

Dated at Washington, D.C., this 15th day of September 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-11244; Filed, Sept. 19, 1969; 8:45 a.m.]

VALLEY BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Valley Bancorporation, Appleton, Wis., for approval of acquisition of 80 percent or more of the voting shares of The New American Bank of Oshkosh, Oshkosh, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Valley Bancorporation, Appleton, Wis., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The New American Bank of Oshkosh, Oshkosh, Wis.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking of the State of Wisconsin and requested his views and recommendation thereon. In response, the Commissioner interposed no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 7, 1969 (34 F.R. 12850), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

Dated at Washington, D.C., this 15th day of September 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-11287; Filed, Sept. 19, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4785]

AMERICAN ELECTRIC POWER CO., INC., AND OHIO POWER CO.

Notice of Proposed Sale of Utility Assets to Nonaffiliate

SEPTEMBER 16, 1969.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, has filed with this Commission a declaration regarding a proposal by AEP to cause its electric utility subsidiary company, Ohio Power Co. ("Ohio Power"), 301 Cleveland Avenue SW., Canton, Ohio 44701, to sell certain electric utility facilities to the Standard Oil Co. (Ohio) ("Standard"), a nonaffiliate. Section 12(d) and Rule 44 have been designated as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Standard is presently engaged in a substantial expansion of its refinery and petrochemical facilities which are served with electrical energy by Ohio Power. Standard and Ohio Power have entered into an agreement pursuant to which Ohio Power will rebuild its West Lima Substation ("Substation") and rearrange and increase the capacity of the portion of that Substation which serves Standard. Pursuant to that agreement,[1]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

Ohio Power contemplates selling to Standard for a cash consideration of $376,000, such of the expanded and rebuilt facilities and related properties as are presently used solely to serve Standard, including four 34.5-kv. electrical circuit lines extending from the Substation to certain other substations presently owned by Standard. The terms of sale were negotiated through arms-length bargaining and the facilities will be sold free and clear of the lien of Ohio Power's Mortgage and Deed of Trust. The purchase price includes reimbursement to Ohio Power for the cost of rearranging and increasing the capacity of the Substation.

It is stated that the transaction is proposed to provide such facilities as may be necessary to meet, in the most economical and efficient manner, Standard's increased power requirements.

It is stated that the fees, commissions, or expenses to be paid or incurred by Ohio Power or AEP in connection with the proposed transaction will be nominal. It is further stated that it is believed that no Federal commission, other than this Commission, and no State commission have jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 9, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-11259; Filed, Sept. 19, 1969; 8:46 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

SEPTEMBER 16, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co., a Nevada corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 17, 1969, through September 26, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-11261; Filed, Sept. 19, 1969; 8:46 a.m.]

[70-4771]

NORTHEAST UTILITIES

Notice of Posteffective Amendment Regarding Capital Contribution by Holding Company to Subsidiary Company

SEPTEMBER 16, 1969.

Notice is hereby given that Northeast Utilities ("Northeast"), 174 Brush Hill Avenue, West Springfield, Mass. 01089, a registered holding company, has filed with this Commission a posteffective amendment to its declaration in this proceeding. The amendment designates section 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder as applicable to the transaction proposed therein. All interested persons are referred to the declaration, as now amended, which is summarized below, for a complete statement of the proposed transaction.

By order dated August 22, 1969 (Holding Company Act Release No. 16454), the Commission authorized Northeast to issue and sell and to renew or extend its promissory notes to banks in an aggregate principal amount outstanding at any one time of not more than $35 million. In its declaration Northeast states that the proceeds from the sale of the notes will be used, in part, to make such loans and capital contributions to its subsidiary companies as may be authorized by the Commission. Northeast by posteffective amendment now requests authority to make a $15 million capital contribution to The Connecticut Light and Power Co. ("CL&P"), one of its subsidiary companies. CL&P will use this cash contribution to finance, in part, its 1969-70 construction program and for other corporate expenses (Holding Company Act Release No. 16332).

Notice is further given that any interested person may, not later than October 14, 1969, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said posteffective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-11260; Filed, Sept. 19, 1969; 8:46 a.m.]

PACIFIC FIDELITY CORP.

Order Suspending Trading

SEPTEMBER 16, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pacific Fidelity Corp., a Nevada corporation, and all other securities of Pacific Fidelity Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 17, 1969, through September 26, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-11262; Filed, Sept. 19, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 17, 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. 41760—*Sulphuric acid to Charlotte, N.C.* Filed by O. W. South, Jr., agent (No. A6128), for interested rail carriers. Rates on sulphuric acid, in tank carloads, as described in the application, from Occidental, Fla., to Charlotte, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 91 to Southern Freight Association, agent, tariff ICC S–671.

By the Commission.

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

[F.R. Doc. 69–11295; Filed, Sept. 19, 1969; 8:48 a.m.]

[No. 35120]

MISSISSIPPI INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1969

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 9th day of September 1969.

By petition filed on May 26, 1969, common carriers by railroad operating within the State of Mississippi aver that (with minor exceptions) the Mississippi Public Service Commission has refused to authorize or permit increases in freight rates and charges corresponding to those authorized by this Commission in Ex Parte No. 259, Increased Freight Rates, 1968, 332 ICC 714, 332 ICC 590. Several replies thereto were filed requesting that the petition for an investigation be denied, limited in scope, or, in the alternative, that should the petition be granted, consultation and joint hearings be held with the Mississippi Public Service Commission. For good cause appearing:

It is ordered, That the petition be, and it is hereby, granted; that an investigation be, and it is hereby, instituted pursuant to section 13 of the Interstate Commerce Act; and that all common carriers by railroad operating within the State of Mississippi be, and they are hereby, made respondents to this proceeding.

It is further ordered, That a copy of this order be served upon each of the said respondents and upon each of the replicants; that the State of Mississippi be notified of the proceeding by sending a copy of this order by certified mail to the Governor of the State, Jackson, Miss., and a copy to the Mississippi Public Service Commission, Jackson, Miss.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

It is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

And it is further ordered, That the requests of the replicants be, and they are hereby, denied for the reason that sufficient grounds have not been presented to warrant granting the actions sought, without prejudice to their participation as parties to this proceeding.

By the Commission, Division 2.

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

[F.R. Doc. 69–11296; Filed, Sept. 19, 1969; 8:48 a.m.]

[Notice 410]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 16, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–35427. By order of September 5, 1969, the Motor Carrier Board, on reconsideration, approved the lease for one year to Bajet Van Lines, Inc., Wausau, Wis., of certificate No. MC–82838 issued September 21, 1942, to George L. Cline, doing business as Northern Transfer Co., Wausau, Wis., authorizing the transportation of: Household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, over irregular routes, between Wausau, Wis., on the one hand, and, on the other, points and places in Illinois, Iowa, Michigan, Minnesota, and Ohio, traversing the State of Indiana, for operating convenience only. New furniture, over irregular routes, between Wausau, Wis., on the one hand, and, on the other, Chicago, Ill. Eugene R. Crooks, 419 Henrietta Street, Wausau, Wis. 54401, attorney at law.

No. MC–FC–71469. By supplemental order entered September 11, 1969, the Motor Carrier Board approved the transfer to Milton Transportation, Inc., Milton, Pa., permit No. MC–96098 (Sub-No. 28), issued July 3, 1969, to H. H. Follmer Transportation, Inc., Milton, Pa., authorizing the transportation of: Printing paper, from Urbana, Franklin, and Dayton, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania; and gummed paper sealing tape, from Troy, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, representative for applicants.

No. MC–FC–71570. By order of September 11, 1969, the Motor Carrier Board approved the transfer to Le Mars Transfer Co., Inc., 31 Plymouth Street NW., Le Mars, Iowa 51031, of certificate of registration No. MC–58270 (Sub-No. 1) issued July 22, 1964, to George N. Wolbers doing business as Le Mars Transfer Co., 12½ Plymouth Street SE., Le Mars, Iowa 51031, evidencing a right to engage in interstate or foreign commerce within the State of Iowa.

No. MC–FC–71574. By order of September 11, 1969, the Motor Carrier Board approved the transfer to Marshall's Moving Service, Inc., Paterson, N.J., of certificate No. MC–95117 issued February 16, 1967, to James Marshall, Jr., doing business as Marshall's Moving Service, Hawthorne, N.J., authorizing the transportation of household goods, as defined by the Commission, between specified points in New Jersey, New York, and Pennsylvania. John M. Zachara, Post Office Box Z, Paterson, N.J. 07509, practitioner for applicants.

No. MC–FC–71576. By order of September 12, 1969, the Motor Carrier Board approved the transfer to Ralph M. Picardo, doing business as Picardo Trucking, Union City, N.J., of a portion of the operating rights in corrected certificate No. MC–127974 (Sub-No. 1) issued June 24, 1969, to P. Liedtka Trucking, Inc., Trenton, N.J., authorizing the transportation of: General commodities, with exceptions, from New York, N.Y., to Washington, D.C., over U.S. Highway 1. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, representative for applicants.

No. MC–FC–71577. By order of September 12, 1969, the Motor Carrier Board approved the transfer to William Childs Ltd., Ottawa, Ontario, Canada, of certificate No. MC–127622 issued August 10, 1966, to William Childs, Ottawa, Ontario, Canada, authorizing the transportation of: Brick, from ports of entry on the United States-Canada boundary line, located on the St. Lawrence River to points in New York, and returned shipments of brick. William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202, attorney for applicants.

No. MC–FC–71581. By order of September 12, 1969, the Motor Carrier Board approved the transfer to Victor Grothaus, doing business as Grothaus Express, Kingsley, Iowa, of Certificate No. MC–114647 issued April 10, 1957, to Robert E. Pletcher, doing business as Pletcher Transfer & Storage, Forest City, Iowa,

authorizing the transportation of: Household goods, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Minnesota, and manufactured fertilizer, from Forest City, Iowa, to points in specified counties in Minnesota. Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

No. MC-FC-71598. By order of September 12, 1969, the Motor Carrier Board approved the transfer to A & W Trucking Company, Inc., Mosinee, Wis., of a portion of the certificate in No. MC-34509, issued December 18, 1940, to George Herrmann, Onalaska, Wis., authorizing the transportation of general commodities, with exceptions, between named points in Wisconsin, on the one hand, and, on the other, points in Minnesota within 50 miles of La Crosse, Wis.

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

[F.R. Doc. 69-11215; Filed, Sept. 18, 1969; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

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

3 CFR

Page

PROCLAMATIONS:

3926 ... 14165
3927 ... 14269
3928 ... 14365
3929 ... 14367
3930 ... 14419
3931 ... 14421
3932 ... 14459
3933 ... 14511
3934 ... 14573

EXECUTIVE ORDERS:

10994 (superseded by 11480) ... 14273
11018 (superseded by 11480) ... 14273
11479 ... 14271
11480 ... 14273
11481 ... 14277

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Memorandum of September 16, 1969 ... 14513

5 CFR

213 ... 13968, 14066, 14201, 14369, 14423, 14515, 14592, 14637
713 ... 14023

7 CFR

29 ... 14461
51 ... 14325
53 ... 14637
68 ... 14325
81 ... 13991
215 ... 14167
301 ... 14167
319 ... 14637, 14638
401 ... 14325
718 ... 14575
722 ... 14065
729 ... 14121, 14201, 14461, 14575
855 ... 14201
891 ... 14378
905 ... 14378-14381
906 ... 14381, 14382, 14515
908 ... 14025, 14279, 14515, 14638
910 ... 14122, 14383, 14638
926 ... 14206
944 ... 14326, 14383
948 ... 14065, 14575
981 ... 14279
987 ... 14280
993 ... 14206
1421 ... 14206
1475 ... 14206

7 CFR—Continued

Page

PROPOSED RULES:

29 ... 14035
52 ... 14334
906 ... 14129
927 ... 14224
932 ... 14225
944 ... 13994
948 ... 14035, 14225
966 ... 14653
989 ... 14474
1001 ... 14475
1007 ... 13994
1015 ... 14475
1060 ... 14524
1090 ... 13994
1103 ... 14527
1126 ... 14226

8 CFR

103 ... 14123

9 CFR

51 ... 14639
73 ... 14024
74 ... 14024, 14066
78 ... 14639
317 ... 13992

PROPOSED RULES:

112 ... 14224
113 ... 14224
114 ... 14224

10 CFR

40 ... 14067

PROPOSED RULES:

40 ... 14333
150 ... 14333

12 CFR

226 ... 14516
265 ... 14279

14 CFR

21 ... 14067
39 ... 13968, 13969, 14025-14027, 14123, 14207, 14208, 14280, 14315, 14517, 14639, 14640
43 ... 14424, 14426
71 ... 14027, 14068, 14069, 14124, 14208, 14209, 14280, 14281, 14315, 14316, 14427, 14428, 14461, 14462, 14517, 14640, 14641

14 CFR—Continued

Page

73 ... 14069, 14124, 14462, 14463, 14576
75 ... 14209, 14462, 14463, 14576
91 ... 14424
97 ... 13970, 14317, 14577
121 ... 14426, 14463
127 ... 14069, 14369, 14426
135 ... 14424
183 ... 14124, 14464
241 ... 14584
250 ... 14281

PROPOSED RULES:

13 ... 14079
39 ... 14226, 14227, 14331, 14657
47 ... 14079
61 ... 14081, 14331
63 ... 14331
71 ... 13999, 14082, 14176, 14285, 14286, 14332, 14437, 14477-14479, 14609, 14657, 14658
75 ... 14002, 14227, 14332, 14479
91 ... 14079
167 ... 14129
241 ... 14479
288 ... 14078
399 ... 14078

15 CFR

30 ... 14592, 14593
390 ... 14326

PROPOSED RULES:

30 ... 14607

16 CFR

13 ... 14326, 14327, 14464-14466
15 ... 13988, 14467, 14517, 14518
303 ... 14593

PROPOSED RULES:

245 ... 14176

17 CFR

231 ... 14125
240 ... 14209
249 ... 14209

PROPOSED RULES:

210 ... 14227
230 ... 14228
239 ... 14234
240 ... 14235
249 ... 14238, 14240

19 CFR

4 ... 14467
12 ... 14328
16 ... 14595