

FEDERAL REGISTER

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Pages 15439-15518

Agencies in this issue—

The President
Agricultural Stabilization and
Conservation Service
Agriculture Department
Business and Defense Services
Administration
Census Bureau
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Emergency Preparedness Office
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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11485

SUPERVISION AND CONTROL OF THE NATIONAL GUARD OF THE DISTRICT OF COLUMBIA

Correction

In Executive Order 11485 (F.R. Doc. 69-11875), appearing at page 15411 of the issue for Friday, October 3, 1969, the last sentence of Section 1 should read:

Subject to the direction of the President as Commander-in-Chief, the Secretary may order out the National Guard under title 39 of the District of Columbia Code to aid the civil authorities of the District of Columbia.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1970 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

The provisions of §§ 722.475 to 722.480 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1970 crop of upland cotton (referred to as "cotton"). The purpose of these provisions is to (1) proclaim a national marketing quota and national acreage allotment for the 1970 crop of cotton; (2) establish the amount of the national reserve; (3) apportion the national allotment and national reserve to States; (4) fix the period for holding the national marketing quota referendum; and (5) establish the national export market acreage reserve. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on August 26, 1969 (34 F.R. 13662) in accordance with the provisions of 5 U.S.C. 553. No written submissions were received in response to such notice.

It is essential that these provisions be made effective as soon as possible since the proclamation of the quota and the national allotment are required to be made not later than October 15, 1969. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest in §§ 722.475 to 722.480 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.475 National marketing quota for the 1970 crop of cotton.

(a) *Finding of total supply.* As defined in section 301(b)(16)(C) of the act, the "total supply" of cotton for the marketing year beginning August 1, 1969 (in terms of running bales or the equivalent), consists of the sum of (1) "carryover" of cotton on August 1, 1969, (2) estimated production of cotton in the United States during 1969, and (3) estimated imports of cotton into the United States during the marketing year beginning August 1, 1969. The following finding of total supply is hereby made by the Secretary:

(i) Total supply of cotton for the marketing year beginning August 1, 1969, in running bales or equivalent:

	Bales
(a) Carryover	6,273,000
(b) Estimated production	10,984,000
(c) Estimated imports	35,000
Total supply	17,292,000

(b) *Finding of normal supply.* As defined in section 301(b)(10)(C) of the act, the "normal supply" of cotton for the marketing year beginning August 1, 1969 (in terms of running bales or equivalent), consists of the sum of (1) estimated domestic consumption of cotton for the marketing year beginning August 1, 1969, (2) estimated exports of cotton during the marketing year beginning August 1, 1969, and (3) 30 percent of the sum of such estimated domestic consumption and estimated exports as an allowance for carryover. The following finding of normal supply is hereby made by the Secretary:

(i) Normal supply of cotton for the marketing year beginning August 1, 1969, in running bales or equivalent:

	Bales
(a) Estimated domestic consumption	8,300,000
(b) Estimated exports	3,000,000
(c) 30 percent allowance for carryover	3,390,000
Normal supply	14,690,000

(c) *Proclamation of national marketing quota.* It is hereby determined and proclaimed by the Secretary that the total supply of cotton for the marketing year beginning August 1, 1969, will exceed the normal supply of cotton for such marketing year. Therefore, a national marketing quota shall be in effect for the crop of cotton produced in the calendar year 1970.

(d) *Proclamation of amount of national marketing quota in bales.* Section 342 of the act provides that the amount of the national marketing quota for the 1970 crop of cotton (in terms of standard bales of 500 pounds gross weight) shall be the largest of the following:

(1) The number of bales of cotton adequate, together with (i) the estimated carryover at the beginning of the 1970-71 marketing year, and (ii) the estimated imports during the 1970-71 marketing year, to make available a normal supply of cotton.

(2) The number of bales of cotton equal to the estimated domestic consumption and estimated exports (less estimated imports) for the 1970-71 marketing year, except that the Secretary shall make such adjustments in the amount of such quota as he determines necessary after taking into consideration the estimated stocks of cotton in the United States (including the quantities of such stocks) and stocks in foreign countries which would be available for the 1970-71 marketing year, if no adjust-

ment of such quota is made hereunder, to assure the maintenance of adequate but not excessive stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton consuming countries and for purposes of national security; but the Secretary, in making such adjustments, may not reduce the national marketing quota below 1 million bales less than the estimated domestic consumption and estimated exports for the 1970-71 marketing year.

(3) Ten million bales of cotton.

(4) The number of bales of cotton required to provide a national allotment of 16 million acres for the 1970 crop of cotton.

It is hereby determined and proclaimed that the national marketing quota for the 1970 crop of cotton (in terms of standard bales of 500 pounds gross weight) shall be 15,066,667 bales based on a minimum national allotment of 16 million acres under subparagraph (4) of this paragraph calculated by multiplying the minimum national allotment by the national average yield of 452 pounds per planted acre of cotton for the 4 calendar years, 1965, 1966, 1967, and 1968, and dividing the result by 480 pounds (net weight of a standard bale). This determination is based on the following data:

Determinations for purpose of:	
(i) Section 722.475(d)(1) ¹ ..	9,313,000
(ii) Section 722.475(d)(4) ¹ ..	15,066,667
(iii) Section 722.475(d)(2) ¹ ..	11,765,000
Based on:	
(iv) Estimated domestic consumption, 1969-70 ² ..	8,300,000
(v) Estimated domestic consumption, 1970-71 ² ..	8,300,000
(vi) Estimated exports, 1969-70 ² ..	3,000,000
(vii) Estimated exports, 1970-71 ² ..	3,500,000
(viii) Estimated imports, 1969-70 ² ..	35,000
(ix) Estimated imports, 1970-71 ² ..	35,000
(x) Adjustment for stocks	None

¹ Standard bales.
² Running bales.
³ Equivalent running bales.

§ 722.476 National acreage allotment for the 1970 crop of cotton.

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the crop of cotton produced in the calendar year 1970. The amount of such national allotment is 16 million acres calculated as set forth in § 722.475.

§ 722.477 National reserve for the 1970 crop of cotton.

It is hereby determined that a national reserve of 150,000 acres for the 1970 crop of cotton is required under section 344(b) of the act, which is in addition to the national allotment. The

amount of the national reserve is based upon the estimated needs of the States for additional acreage for establishing minimum farm allotments under section 344(f) (1) of the act except that 1,000 acres shall be apportioned to Nevada as required by section 344(b) of the act.

§ 722.478 Apportionment of national allotment and national reserve to the States.

The national allotment of 16 million acres and the national reserve of 150,000 acres are apportioned to the States in accordance with section 344(b) of the act as follows:

State	State's share of national allotment	State's share of national reserve	Total allotment available for States
	(acres)		
Alabama	943,087	21,260	964,347
Arizona	332,049	417	332,466
Arkansas	1,328,552	3,739	1,332,291
California	738,908	1,525	740,433
Florida	31,168	2,405	33,573
Georgia	810,065	16,666	826,731
Illinois	2,946	16	2,962
Kansas	13	2	15
Kentucky	6,838	186	7,024
Louisiana	557,243	6,896	564,139
Mississippi	1,530,639	15,918	1,546,557
Missouri	357,448	1,328	358,776
Nevada	2,533	1,000	3,533
New Mexico	172,272	428	172,700
North Carolina	435,283	17,149	452,432
Oklahoma	743,759	7,754	751,513
South Carolina	664,439	13,491	677,930
Tennessee	631,599	11,664	643,263
Texas	6,795,096	26,986	6,822,082
Virginia	15,482	1,189	16,671
United States	16,000,000	150,000	16,150,000

§ 722.479 National marketing quota referendum for the 1970 crop of cotton.

The national marketing quota referendum for the 1970 crop of cotton shall be held during the referendum period December 1 to 5, 1969, each inclusive, by mail ballot in accordance with Part 717 of this chapter (33 F.R. 18345, 34 F.R. 12940).

§ 722.480 National export market acreage reserve for the 1970 crop of cotton.

Under section 346(e) of the act, the national export market acreage reserve for the 1970 crop of cotton is required to be determined on the basis of the following formula:

If the carryover on July 31, 1970, is estimated to be less than the carryover on August 1, 1969, by—	The national export market acreage reserve for the 1970 crop shall be—
At least 1,000,000 bales...	250,000 acres.
At least 750,000 bales, but not as much as 1,000,000 bales...	187,500 acres.
At least 500,000 bales, but not as much as 750,000 bales...	125,000 acres.
At least 250,000 bales, but not as much as 500,000 bales...	63,500 acres.
Less than 250,000 bales...	None.

It is hereby determined that the estimated carryover on July 31, 1970, in the

amount of 5,992,000 running bales or the equivalent will be less than the carryover on August 1, 1969, in the amount of 6,273,000 running bales or the equivalent by 281,000 running bales or the equivalent. Accordingly, the national export market acreage reserve for the 1970 crop of cotton is hereby established as 62,500 acres.

(Secs. 301, 342, 343, 344, 346(e), 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended; 79 Stat. 1192, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1342, 1343, 1344, 1346(e), 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 30, 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-11874; Filed, Oct. 1, 1969; 11:33 a.m.]

PART 722—COTTON

Subpart—1970 Crop of Extra-Long Staple Cotton; Acreage Allotments and Marketing Quotas

The provisions of §§ 722.558 to 722.561 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1970 crop of extra-long staple cotton (referred to as "ELS cotton"). The purpose of these provisions is to (1) proclaim a national marketing quota and national acreage allotment for the 1970 crop of ELS cotton; (2) apportion the national acreage allotment to States; and (3) fix the period for holding the national marketing quota referendum. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on August 26, 1969 (34 F.R. 13662), in accordance with 5 U.S.C. 553. No written submissions were received in response to such notice.

It is essential that these provisions be made effective as soon as possible since the proclamation of the quota and the national allotment is required to be made not later than October 15, 1969. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 722.558 to 722.561 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.558 National marketing quota for the 1970 crop of ELS cotton.

(a) *Statutory requirements.* Section 347(b) of the act reads as follows:

(b) (1) The Secretary shall, not later than October 15 of each calendar year, proclaim the amount of national marketing

quota for the crop of cotton described in subsection (a) produced in the next succeeding calendar year in terms of the quantity of such cotton equal to the estimated domestic consumption plus exports for the marketing year which begins in such succeeding calendar year, less the estimated imports, plus such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks; *Provided*, That the Secretary may reduce the national marketing quota so determined for any crop for the purpose of reducing surplus stocks, but not below the minimum quota prescribed under paragraph (2) of this subsection.

(2) The national marketing quota for any crop shall not be less than the amount of the import quota in effect on August 1, 1967, for the year beginning on such date for extra long staple cotton (1½ inches or more) in pounds converted to standard bales of 500 pounds gross weight, established pursuant to section 22 of the Agricultural Adjustment Act (of 1933), as amended.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, the national marketing quota shall be the minimum quota under paragraph (2) of this subsection for each crop of such cotton for which the Secretary estimates that the carryover of American grown extra long staple cotton at the beginning of the marketing year for the crop for which the quota is proclaimed (excluding any such cotton in the stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act, as amended) will be more than 50 per centum of the estimated domestic consumption and exports of American grown extra long staple cotton for such marketing years: *Provided*, That the foregoing provisions of this sentence shall not apply for any crop for which the carryover so estimated is an amount equal to 50 per centum or less of the estimated domestic consumption and exports of American grown extra long staple cotton for the marketing year for such crop, and such provisions shall not apply to any crop following the first crop for which this proviso comes into operation.

(4) The provisions of paragraphs (1), (2), and (3) of this subsection shall apply to the 1969 and each succeeding crop of cotton described in subsection (a) of this section.

(b) *Carryover and disappearance.* The determinations in this paragraph are made in accordance with section 347(b) (3) of the act. It is hereby determined that the estimated carryover of American grown ELS cotton on August 1, 1970, excluding any such cotton in the stockpile established under the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98), will be 110,000 running bales. It is hereby determined that the estimated domestic consumption and exports of American grown ELS cotton for the marketing year beginning August 1, 1970, will be 115,000 running bales. The estimated carryover so determined is more than 50 per centum of the estimated disappearance so determined. Accordingly, the national marketing quota for the 1970 crop of ELS cotton shall be the minimum quota prescribed under section 347(b) (2) of the act.

(c) *Minimum quota.* The minimum quota prescribed under section 347(b)

(2) of the act is the amount of the import quota for the year beginning August 1, 1967, for ELS cotton having a staple length of 1 3/8 inches or more, established under section 22 of the Agricultural Adjustment Act (of 1933), as amended (7 U.S.C. 624). Such import quota is 39,590,778 pounds. (Proclamation 3251 issued by the President on July 7, 1958; 3 CFR, 1954-58 Comp., p. 161.) Such import quota in pounds is converted to standard bales of 500 pounds gross weight by dividing 39,590,778 pounds by 480 pounds (net weight of a standard bale). Accordingly, the minimum quota under section 347(b) (2) of the act is hereby determined to be 82,481 standard bales (rounded from 82,480.78).

(d) *Proclamation of quota.* The national marketing quota for the 1970 crop of ELS cotton is hereby determined and proclaimed to be 82,481 standard bales.

§ 722.559 National acreage allotment for the 1970 crop of ELS cotton.

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the crop of ELS cotton produced in the calendar year 1970. The amount of such national allotment is 78,398 acres calculated by multiplying the national quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield of 505 pounds per planted acre of ELS cotton for the 4 calendar years 1965, 1966, 1967, and 1968.

§ 722.560 Apportionment of national allotment to the States.

The national allotment of 78,398 acres is apportioned to the States in accordance with section 344(b) of the act as follows:

State	State allotment (acres)
Arizona	34,037
California	523
Florida	148
Georgia	108
New Mexico	15,914
Texas	27,666
Puerto Rico	2
United States	78,398

§ 722.561 National marketing quota referendum for the 1970 crop of ELS cotton.

The national marketing quota referendum for the 1970 crop of ELS cotton shall be held during the referendum period December 1 to 5, 1969, each inclusive, by mail ballot in accordance with Part 717 of this chapter (33 F.R. 18345, 34 F.R. 12940).

(Secs. 301, 343, 344, 347, 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended, 63 Stat. 675, as amended; 52 Stat. 66, as amended, 7 U.S.C. 1301, 1343, 1344, 1347, 1375)

- Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 1, 1969.

J. PHIL CAMPBELL,
Under Secretary.

[F.R. Doc. 69-11873; Filed, Oct. 1, 1969; 11:33 a.m.]

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

[Lemon Reg. 394]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.694 Lemon Regulation 394.

(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 30, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period October 5, 1969, through October 11, 1969, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 79,050 cartons;
- (iii) District 3: 97,760 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: October 2, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 69-11936; Filed, Oct. 3, 1969; 8:50 a.m.]

[Area 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 3 (Northern Colorado), to be effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), was published in the September 4, 1969, FEDERAL REGISTER (34 F.R. 14035). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than the 15th day after its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 3, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.261 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending May 31, 1970, will amount to \$3,849.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be \$0.0015 per hundredweight of potatoes grown in Area No. 3 handled

by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending May 31, 1970, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of the said marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on June 1, 1969, and the rate of assessment herein fixed will apply to all assessable potatoes beginning with such date.

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

Dated: September 30, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 69-11869; Filed, Oct. 3, 1969;
8:46 a.m.]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be effective under Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR 958), regulating the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER August 28, 1969 (34 F.R. 13747). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1969, and ending June 30, 1970, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such

purposes as the Secretary determines to be appropriate will amount to \$73,750.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be \$0.023 per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1969, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period, and (2) the current fiscal period began on July 1, 1969, and the rate of assessment herein fixed will apply to all assessable onions beginning with such date.

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

Dated: September 30, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 69-11870; Filed, Oct. 3, 1969;
8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Soybean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Soybean Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and any amendments thereto and the 1966 and Subsequent Crops Soybean Supplement (31 F.R. 6013), and any amendments thereto, which contain regulations of a general nature with respect to price support operations, are further supplemented by revising §§ 1421.2965-1421.2968 to read as follows, effective as to the 1969 crop of soybeans. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

Sec.

1421.2965 Availability.

1421.2966 Warehouse charges.

1421.2967 Maturity of loans.

1421.2968 Support rates, premiums, and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1072 as amended; 15 U.S.C. 714b. Interpret or apply

sec. 5, 62 Stat. 1072, secs. 203, 301, 401, 63 Stat. 1054; 7 U.S.C. 1446(d), 1447, 1421.

§ 1421.2965 Availability.

A producer desiring a price support loan must request a loan on his eligible soybeans on or before May 31, 1970. To obtain price support through sales, a producer must execute and deliver to the appropriate county ASCS office, on or before June 30, 1970, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of 1969 crop soybeans he may sell to CCC.

§ 1421.2966 Warehouse charges.

Subject to the provisions of § 1421.2958, the schedules of deductions set forth in this section shall apply to soybeans stored in an approved warehouse (i) operating under the Uniform Grain Storage Agreement, or (ii) operated by an Eastern common carrier.

(a) Warehouses approved under the Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF JUNE 30, 1970

Storage start date: ¹	Deduction (cents per bushel)
Prior to Aug. 13, 1969	12
Aug. 13-Sept. 9, 1969	11
Sept. 10-Oct. 7, 1969	10
Oct. 8-Nov. 4, 1969	9
Nov. 5-Dec. 2, 1969	8
Dec. 3-Dec. 30, 1969	7
Dec. 31, 1969-Jan. 27, 1970	6
Jan. 28-Feb. 24, 1970	5
Feb. 25-Mar. 24, 1970	4
Mar. 25-Apr. 21, 1970	3
Apr. 22-May 19, 1970	2
May 20-June 30, 1970	1

¹ All dates inclusive.

(b) Warehouse operated by Eastern common carrier. (1) Eligible soybeans stored in the following approved Eastern common carrier warehouse may be placed under loan or offered for sale to CCC: Pennsylvania Railroad Co., Canton Elevator, Warehouse Code 9-2151, Baltimore, Md.

(2) Schedule of deductions for storage charges:

Maturity date of June 30, 1970: ¹	Deduction (cents per bushel) ²
Prior to July 16, 1969	18
July 16-Aug. 4, 1969	17
Aug. 5-Aug. 24, 1969	16
Aug. 25-Sept. 13, 1969	15
Sept. 14-Oct. 3, 1969	14
Oct. 4-Oct. 23, 1969	13
Oct. 24-Nov. 12, 1969	12
Nov. 13-Dec. 2, 1969	11
Dec. 3-Dec. 22, 1969	10
Dec. 23, 1969-Jan. 11, 1970	9
Jan. 12-Jan. 31, 1970	8
Feb. 1-Feb. 20, 1970	7
Feb. 21-Mar. 12, 1970	6
Mar. 13-Apr. 1, 1970	5
Apr. 2-Apr. 21, 1970	4
Apr. 22-May 11, 1970	3
May 12-May 31, 1970	2
June 1-June 30, 1970	1

¹ Storage commence date, all dates inclusive.

² If producer presents evidence that elevation charges were prepaid, the storage deduction shall be reduced by 2 cents per bushel.

§ 1421.2967 Maturity of loans.

Loans mature on demand but not later than June 30, 1970.

§ 1421.2968 Support rates, premiums and discounts.

Farm-stored soybean loans shall be made at the basic county support rate for the county in which the soybeans were produced, adjusted only for the Weed Control discount where applicable. The support rate for warehouse-storage loans and for soybeans acquired under a loan or by purchase shall be the basic support rate for the county in which the soybeans were produced adjusted by the applicable premiums and discounts prescribed in paragraphs (b) and (c) of this section. Settlement of loans and purchases shall be made as provided in § 1421.72 of the general regulations.

(a) Basic county support rates. Basic county support rates for the classes Green Soybeans and Yellow Soybeans containing 12.8 to 13.0 percent moisture and grading not lower than No. 2 on the factors of test weight, splits, and heat damage and No. 1 on all other factors are as follows:

ALABAMA			
County	Rate per bushel	County	Rate per bushel
Baldwin	\$2.28	Mobile	\$2.28
Clarke	2.26	Monroe	2.26
Conecuh	2.25	Washington	2.26
Covington	2.25	All other counties	2.24
Escambia	2.27		

ARIZONA			
All counties			\$2.11

ARKANSAS			
Arkansas	\$2.28	Lee	\$2.28
Ashley	2.28	Lincoln	2.28
Baxter	2.24	Little River	2.21
Benton	2.18	Logan	2.21
Boone	2.21	Lonoke	2.27
Bradley	2.27	Madison	2.20
Calhoun	2.25	Marion	2.23
Carroll	2.20	Miller	2.21
Chicot	2.28	Mississippi	2.28
Clark	2.23	Monroe	2.28
Clay	2.28	Montgomery	2.21
Cleburne	2.25	Nevada	2.22
Cleveland	2.27	Newton	2.21
Columbia	2.23	Ouachita	2.24
Conway	2.24	Perry	2.24
Craighead	2.28	Phillips	2.28
Crawford	2.20	Pike	2.21
Crittenden	2.28	Poinsett	2.28
Cross	2.28	Polk	2.20
Dallas	2.25	Pope	2.23
Desha	2.28	Prairie	2.28
Drew	2.28	Pulaski	2.25
Franklin	2.21	Randolph	2.27
Fulton	2.25	St. Francis	2.28
Garland	2.23	Saline	2.24
Grant	2.25	Scott	2.20
Greene	2.28	Searcy	2.23
Hempstead	2.21	Sebastian	2.20
Hot Spring	2.24	Sevier	2.20
Howard	2.20	Sharp	2.27
Independence	2.27	Stone	2.25
Iard	2.25	Union	2.25
Jackson	2.28	Van Buren	2.24
Jefferson	2.27	Washington	2.19
Johnson	2.22	White	2.27
Lafayette	2.21	Woodruff	2.28
Lawrence	2.28	Yell	2.22

CALIFORNIA			
All counties			\$2.11

DELAWARE			
County	Rate per bushel	County	Rate per bushel
Kent	\$2.25	Sussex	\$2.26
New Castle	2.24		

FLORIDA			
Bay	\$2.25	Okaloosa	\$2.27
Calhoun	2.23	Santa Rosa	2.27
Escambia	2.27	Walton	2.27
Gulf	2.23	Washington	2.25
Jackson	2.23	All other counties	2.22
Holmes	2.25		

GEORGIA			
All counties			\$2.24

ILLINOIS			
Adams	\$2.27	Lee	\$2.28
Alexander	2.28	Livingston	2.31
Bond	2.30	Logan	2.31
Boone	2.28	McDonough	2.29
Brown	2.28	McHenry	2.29
Bureau	2.28	McLean	2.31
Calhoun	2.27	Macon	2.31
Carroll	2.26	Macoupin	2.29
Cass	2.29	Madison	2.28
Champaign	2.31	Marion	2.29
Christian	2.31	Marshall	2.30
Clark	2.30	Mason	2.29
Clay	2.29	Massac	2.24
Clinton	2.28	Menard	2.29
Coles	2.31	Mercer	2.26
Cook	2.31	Monroe	2.28
Crawford	2.29	Montgomery	2.30
Cumberland	2.31	Morgan	2.30
De Kalb	2.30	Moultrie	2.31
De Witt	2.31	Ogle	2.28
Douglas	2.31	Peoria	2.29
Du Page	2.31	Perry	2.27
Edgar	2.31	Platt	2.31
Edwards	2.26	Pike	2.27
Effingham	2.31	Pope	2.25
Fayette	2.31	Pulaski	2.26
Ford	2.31	Putnam	2.28
Franklin	2.26	Randolph	2.28
Fulton	2.28	Richland	2.28
Gallatin	2.25	Rock Island	2.26
Greene	2.28	St. Clair	2.28
Grundy	2.31	Saline	2.25
Hamilton	2.26	Sangamon	2.31
Hancock	2.27	Schuyler	2.28
Hardin	2.25	Scott	2.29
Henderson	2.26	Shelby	2.31
Henry	2.28	Stark	2.29
Iroquois	2.31	Stephenson	2.26
Jackson	2.28	Tazewell	2.30
Jasper	2.30	Union	2.28
Jefferson	2.27	Vermillion	2.31
Jo Daviess	2.26	Wabash	2.26
Johnson	2.26	Warren	2.28
Kane	2.30	Washington	2.28
Kankakee	2.31	Wayne	2.27
Kendall	2.31	White	2.25
Knox	2.28	Whiteside	2.26
Lake	2.31	Will	2.31
La Salle	2.31	Williamson	2.26
Lawrence	2.27	Winnebago	2.27
		Woodford	2.30

INDIANA			
Adams	\$2.26	De Kalb	\$2.27
Allen	2.27	Delaware	2.25
Bartholomew	2.24	Dubois	2.22
Benton	2.30	Elkhart	2.26
Blackford	2.25	Fayette	2.24
Boone	2.26	Floyd	2.23
Brown	2.24	Fountain	2.30
Carroll	2.26	Franklin	2.23
Cass	2.26	Fulton	2.26
Clark	2.22	Gibson	2.25
Clay	2.27	Grant	2.25
Clinton	2.26	Greene	2.26
Crawford	2.22	Hamilton	2.26
Daviess	2.24	Hancock	2.25
Dearborn	2.23	Harrison	2.22
Decatur	2.23	Hendricks	2.26

INDIANA—Continued			
County	Rate per bushel	County	Rate per bushel
Henry	\$2.25	Pike	\$2.23
Howard	2.25	Porter	2.30
Huntington	2.26	Posey	2.24
Jackson	2.23	Pulaski	2.28
Jasper	2.29	Putnam	2.27
Jay	2.25	Randolph	2.25
Jefferson	2.22	Ripley	2.22
Jennings	2.22	Rush	2.24
Johnson	2.25	St. Joseph	2.27
Knox	2.25	Scott	2.22
Kosciusko	2.26	Shelby	2.25
Lagrange	2.27	Spencer	2.23
Lake	2.31	Starke	2.28
La Porte	2.28	Steuben	2.27
Lawrence	2.24	Sullivan	2.27
Madison	2.25	Switzerland	2.22
Marion	2.26	Tiptecanoe	2.28
Marshall	2.26	Tipton	2.26
Martin	2.24	Union	2.24
Miami	2.25	Vanderburgh	2.24
Monroe	2.25	Vermillion	2.30
Montgomery	2.27	Vigo	2.29
Morgan	2.26	Wabash	2.25
Newton	2.30	Warren	2.30
Noble	2.27	Warrick	2.24
Ohio	2.22	Washington	2.22
Orange	2.22	Wayne	2.25
Owen	2.28	Wells	2.26
Parke	2.28	White	2.28
Perry	2.22	Whitley	2.27

IOWA			
Adair	\$2.20	Jefferson	\$2.24
Adams	2.20	Johnson	2.24
Allamakee	2.22	Jones	2.25
Appanoose	2.22	Keokuk	2.24
Audubon	2.20	Kossuth	2.21
Benton	2.24	Lee	2.26
Black Hawk	2.22	Linn	2.24
Boone	2.21	Louisia	2.26
Bremer	2.21	Lucas	2.22
Buchanan	2.23	Lyon	2.19
Buena Vista	2.20	Madison	2.20
Butler	2.21	Mahaska	2.23
Calhoun	2.20	Marion	2.22
Carroll	2.20	Marshall	2.23
Cass	2.20	Mills	2.19
Cedar	2.25	Mitchell	2.20
Cerro Gordo	2.21	Monona	2.19
Cherokee	2.20	Monroe	2.22
Chickasaw	2.21	Montgomery	2.19
Clarke	2.21	Muscatine	2.26
Clay	2.20	O'Brien	2.20
Clayton	2.23	Oceola	2.20
Clinton	2.26	Page	2.19
Crawford	2.20	Palo Alto	2.20
Dallas	2.21	Plymouth	2.19
Davis	2.23	Pocahontas	2.20
Decatur	2.21	Polk	2.22
Delaware	2.23	Pottawattamie	2.19
Des Moines	2.26	Poweshiek	2.24
Dickinson	2.20	Ringgold	2.20
Dubuque	2.24	Sac	2.20
Emmet	2.20	Scott	2.26
Fayette	2.22	Shelby	2.20
Floyd	2.20	Sioux	2.19
Franklin	2.22	Story	2.22
Fremont	2.19	Tama	2.24
Greene	2.20	Taylor	2.20
Grundy	2.22	Union	2.20
Guthrie	2.20	Van Buren	2.25
Hamilton	2.21	Wapello	2.23
Hancock	2.21	Warren	2.21
Hardin	2.22	Washington	2.25
Harrison	2.19	Wayne	2.22
Henry	2.25	Webster	2.21
Howard	2.21	Winnebago	2.21
Humboldt	2.21	Winneshek	2.22
Ida	2.20	Woodbury	2.19
Iowa	2.24	Worth	2.21
Jackson	2.26	Wright	2.21
Jasper	2.23		

RULES AND REGULATIONS

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	\$2.17	Lincoln	\$2.14
Anderson	2.17	Linn	2.18
Atchison	2.19	Lyon	2.16
Bourbon	2.18	Marion	2.15
Brown	2.18	Marshall	2.16
Butler	2.15	McPherson	2.14
Chase	2.15	Miami	2.18
Chautauqua	2.16	Mitchell	2.13
Cherokee	2.18	Montgomery	2.16
Clay	2.15	Morris	2.15
Cloud	2.14	Nemaha	2.17
Coffey	2.16	Neosho	2.17
Cowley	2.15	Osage	2.16
Crawford	2.18	Ottawa	2.14
Dickinson	2.15	Pottawatomie	2.17
Doniphan	2.19	Reno	2.13
Douglas	2.17	Republic	2.14
Elk	2.16	Rice	2.13
Ellsworth	2.13	Riley	2.17
Franklin	2.17	Russell	2.13
Geary	2.15	Saline	2.14
Greenwood	2.16	Sedgwick	2.14
Harper	2.13	Shawnee	2.17
Harvey	2.14	Sumner	2.14
Jackson	2.18	Wabaunsee	2.16
Jefferson	2.18	Washington	2.15
Jewell	2.13	Wilson	2.16
Johnson	2.18	Woodson	2.16
Kingman	2.13	Wyandotte	2.19
Labette	2.17	All other counties	2.12
Leavenworth	2.19		

KENTUCKY

Ballard	\$2.28	Hickman	\$2.28
Calloway	2.24	Livingston	2.24
Carlisle	2.28	McCracken	2.26
Crittenden	2.24	McLean	2.23
Davies	2.24	Marshall	2.24
Fulton	2.28	Union	2.24
Graves	2.26	Webster	2.23
Hancock	2.23	All other counties	2.22
Henderson	2.24		

LOUISIANA (PARISHES)

Acadia	\$2.24	Morehouse	\$2.26
Allen	2.23	Natchitoches	2.23
Ascension	2.28	Orleans	2.28
Assumption	2.25	Onachita	2.25
Avoyelles	2.27	Plaquemines	2.28
Beauregard	2.22	Pointe Coupee	2.28
Bienville	2.23	Rapides	2.24
Bossier	2.22	Red River	2.23
Caddo	2.22	Richland	2.26
Calcasieu	2.22	Sabine	2.22
Caldwell	2.25	St. Bernard	2.28
Cameron	2.22	St. Charles	2.28
Catahoula	2.26	St. Helena	2.25
Claiborne	2.23	St. James	2.27
Concordia	2.28	St. John the Baptist	2.28
De Soto	2.22	St. Landry	2.26
East Baton Rouge	2.28	St. Martin	2.26
East Carroll	2.28	St. Mary	2.25
East Feliciana	2.25	St. Tammany	2.25
Evangeline	2.24	Tangipahoa	2.25
Franklin	2.26	Tensas	2.28
Grant	2.24	Terrebonne	2.25
Iberia	2.25	Union	2.25
Iberville	2.27	Vermilion	2.24
Jackson	2.24	Vernon	2.22
Jefferson	2.28	Washington	2.25
Jefferson Davis	2.23	Webster	2.23
Lafayette	2.25	West Baton Rouge	2.28
Lafourche	2.25	West Carroll	2.27
La Salle	2.25	West Feliciana	2.28
Lincoln	2.24	Winn	2.24
Livingston	2.28		
Madison	2.28		

MARYLAND

Anne Arundel	\$2.25	Cecil	\$2.24
Baltimore	2.25	Charles	2.24
Calvert	2.25	Dorchester	2.24
Caroline	2.24	Hartford	2.25

MARYLAND—Continued

Howard	\$2.25	Somerset	\$2.24
Kent	2.24	Talbot	2.24
Prince Georges	2.25	Wicomico	2.25
Queen Annes	2.24	Worcester	2.24
St. Marys	2.24	All other counties	2.23

MICHIGAN

Allegan	\$2.30	Lapeer	\$2.21
Arenac	2.19	Lenawee	2.27
Barry	2.20	Livingston	2.23
Bay	2.19	Macomb	2.22
Berrien	2.25	Mecosta	2.18
Branch	2.24	Midland	2.18
Calhoun	2.22	Monroe	2.28
Cass	2.25	Montcalm	2.19
Clare	2.18	Muskegon	2.18
Clinton	2.20	Newaygo	2.18
Eaton	2.21	Oakland	2.22
Genesee	2.21	Oceana	2.18
Gladwin	2.18	Ottawa	2.19
Gratiot	2.19	Saginaw	2.19
Hillsdale	2.25	St. Clair	2.21
Huron	2.19	St. Joseph	2.24
Ingham	2.22	Sanilac	2.20
Ionia	2.20	Shiawassee	2.20
Isabella	2.18	Tuscola	2.20
Jackson	2.23	Van Buren	2.22
Kalamazoo	2.21	Washtenaw	2.24
Kent	2.19	Wayne	2.25

MINNESOTA

Aitkin	\$2.15	Meeker	\$2.20
Anoka	2.22	Miller	2.18
Becker	2.14	Morrison	2.16
Beltrami	2.12	Mower	2.22
Benton	2.18	Murray	2.19
Big Stone	2.17	Nicollet	2.23
Blue Earth	2.23	Nobles	2.20
Brown	2.22	Norman	2.13
Carlton	2.17	Olmsted	2.22
Carver	2.23	Otter Tail	2.14
Cass	2.15	Pennington	2.12
Chippewa	2.19	Pine	2.18
Chisago	2.20	Pipestone	2.18
Clay	2.14	Polk	2.12
Clearwater	2.13	Pope	2.17
Cottonwood	2.20	Ramsey	2.23
Crow Wing	2.15	Red Lake	2.12
Dakota	2.23	Redwood	2.20
Dodge	2.22	Renville	2.20
Douglas	2.16	Rice	2.22
Faribault	2.22	Rock	2.19
Fillmore	2.22	Roseau	2.11
Freeborn	2.22	Scott	2.23
Goodhue	2.22	Sherburne	2.21
Grant	2.16	Sibley	2.23
Hennepin	2.23	Stearns	2.18
Houston	2.22	Steele	2.22
Hubbard	2.13	Stevens	2.17
Isanti	2.20	Swift	2.17
Jackson	2.20	Todd	2.16
Kanabec	2.18	Traverse	2.16
Kandiyo	2.19	Wabasha	2.22
Kittson	2.11	Wadena	2.14
Lac qui Parle	2.19	Waseca	2.22
Le Sueur	2.23	Washington	2.23
Lincoln	2.18	Watsonwan	2.22
Lyon	2.19	Wilkin	2.14
McLeod	2.22	Winona	2.22
Mahnomen	2.13	Wright	2.21
Marshall	2.11	Yellow Medicine	2.20
Martin	2.21		

MISSISSIPPI

Adams	\$2.28	Franklin	\$2.28
Alcorn	2.26	Grenada	2.28
Amite	2.28	Hancock	2.28
Benton	2.27	Harrison	2.28
Bolivar	2.28	Holmes	2.28
Calhoun	2.28	Hinds	2.28
Carroll	2.28	Humphreys	2.28
Claiborne	2.28	Issaquena	2.28
Coahoma	2.28	Itawamba	2.26
Copiah	2.28	Jackson	2.28
De Soto	2.28	Jefferson	2.28

MISSISSIPPI—Continued

Lafayette	\$2.28	Tallahatchie	\$2.28
Lee	2.26	Tate	2.28
Lefflore	2.28	Tishomingo	2.28
Lincoln	2.28	Tunica	2.28
Madison	2.28	Warren	2.28
Marshall	2.28	Washington	2.28
Montgomery	2.28	Wilkinson	2.28
Panola	2.28	Yalobusha	2.28
Prentiss	2.26	Yazoo	2.28
Quitman	2.28	All other counties	2.27
Sharkey	2.28		
Sundowner	2.28		

MISSOURI

Adair	\$2.23	Linn	\$2.22
Andrew	2.20	Livingston	2.21
Atchison	2.20	McDonald	2.18
Audrain	2.25	Macon	2.23
Barry	2.18	Madison	2.25
Barton	2.18	Maries	2.21
Bates	2.19	Marion	2.27
Benton	2.20	Mercer	2.21
Bollinger	2.26	Miller	2.21
Boone	2.23	Mississippi	2.28
Buchanan	2.20	Moniteau	2.23
Butler	2.27	Monroe	2.25
Caldwell	2.20	Montgomery	2.24
Callaway	2.23	Morgan	2.21
Camden	2.21	New Madrid	2.26
Cape Girardeau	2.28	Newton	2.18
Carroll	2.21	Nodaway	2.20
Carter	2.24	Oregon	2.24
Cass	2.19	Osage	2.23
Cedar	2.18	Ozark	2.22
Chariton	2.22	Pemiscot	2.28
Christian	2.19	Perry	2.28
Clark	2.27	Pettis	2.21
Clay	2.20	Phelps	2.21
Clinton	2.20	Pike	2.27
Cole	2.22	Platte	2.20
Cooper	2.22	Polk	2.20
Crawford	2.23	Pulaski	2.21
Dade	2.18	Putnam	2.22
Dallas	2.20	Ralls	2.27
Davies	2.20	Randolph	2.23
De Kalb	2.20	Ray	2.20
Dent	2.22	Reynolds	2.24
Douglas	2.20	Ripley	2.26
Dunklin	2.28	St. Charles	2.27
Franklin	2.25	St. Clair	2.19
Gasconade	2.23	St. Francois	2.25
Gentry	2.20	St. Louis	2.28
Greene	2.19	Ste. Genevieve	2.28
Grundy	2.21	Saline	2.21
Harrison	2.20	Schuyler	2.23
Henry	2.19	Scotland	2.25
Hickory	2.20	Scott	2.28
Holt	2.20	Shannon	2.22
Howard	2.22	Shelby	2.25
Howell	2.23	Stoddard	2.28
Iron	2.25	Stone	2.19
Jackson	2.19	Sullivan	2.22
Jasper	2.18	Taney	2.20
Jefferson	2.28	Texas	2.21
Johnson	2.19	Vernon	2.18
Knox	2.25	Warren	2.25
Laclede	2.20	Washington	2.25
Lafayette	2.19	Wayne	2.25
Lawrence	2.18	Webster	2.20
Lewis	2.27	Worth	2.20
Lincoln	2.27	Wright	2.20

NEBRASKA

Adams	\$2.12	Dakota	\$2.18
Antelope	2.14	Dixon	2.17
Boone	2.13	Dodge	2.17
Boyd	2.12	Douglas	2.18
Burt	2.18	Fillmore	2.14
Butler	2.16	Gage	2.16
Cass	2.18	Greeley	2.13
Cedar	2.15	Hall	2.12
Clay	2.13	Hamilton	2.13
Colfax	2.16	Holt	2.12
Cuming	2.17	Howard	2.12

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Jefferson	\$2.15	Saline	\$2.15
Johnson	2.17	Sarpy	2.18
Knox	2.15	Saunders	2.17
Lancaster	2.17	Seward	2.15
Madison	2.15	Stanton	2.16
Merrick	2.13	Thayer	2.14
Nance	2.13	Thurston	2.18
Nemaha	2.18	Washington	2.18
Nuckolls	2.13	Wayne	2.16
Otoe	2.18	Webster	2.12
Pawnee	2.17	Wheeler	2.12
Pierce	2.15	York	2.14
Platte	2.15	All other counties	2.11
Polk	2.15		
Richardson	2.18		

NEW JERSEY

Atlantic	\$2.21	Mercer	\$2.21
Burlington	2.22	Middlesex	2.21
Camden	2.23	Monmouth	2.21
Cape May	2.21	Ocean	2.21
Cumberland	2.23	Salem	2.24
Gloucester	2.24	Somerset	2.20
Hunterdon	2.20	Warren	2.20

NEW MEXICO

All counties	\$2.11
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NEW YORK

All counties	\$2.12
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NORTH CAROLINA

Beaufort	\$2.28	Lee	\$2.25
Bertie	2.28	Lenoir	2.26
Bladen	2.24	Martin	2.28
Brunswick	2.24	Moore	2.24
Camden	2.28	Nash	2.27
Carteret	2.27	New Hanover	2.24
Chatham	2.25	Northampton	2.27
Chowan	2.28	Onslow	2.25
Columbus	2.24	Orange	2.24
Craven	2.27	Pamlico	2.27
Cumberland	2.24	Pasquotank	2.28
Currituck	2.28	Pender	2.24
Dare	2.28	Perquimans	2.28
Duplin	2.25	Pitt	2.27
Durham	2.25	Randolph	2.24
Edgecombe	2.28	Robeson	2.24
Franklin	2.26	Sampson	2.25
Gates	2.28	Scotland	2.24
Granville	2.24	Tyrrell	2.28
Greene	2.27	Vance	2.25
Halifax	2.27	Wake	2.26
Harnett	2.25	Warren	2.26
Hertford	2.28	Washington	2.28
Hoke	2.24	Wayne	2.26
Hyde	2.28	Wilson	2.27
Johnston	2.26	All other counties	2.23
Jones	2.26		

NORTH DAKOTA

Barnes	\$2.10	Richland	\$2.13
Cass	2.13	Sargent	2.11
Cavalier	2.09	Steele	2.10
Grand Forks	2.12	Towner	2.09
Griggs	2.09	Trall	2.12
Nelson	2.10	Walsh	2.11
Pembina	2.11	All other counties	2.08
Ramsey	2.09		
Ransom	2.11		

OHIO

Adams	\$2.23	Clinton	\$2.22
Allen	2.29	Columbiana	2.22
Ashland	2.26	Coshocton	2.23
Ashtabula	2.26	Crawford	2.28
Athens	2.22	Cuyahoga	2.26
Auglaize	2.28	Darke	2.26
Belmont	2.22	Defiance	2.28
Brown	2.22	Delaware	2.26
Butler	2.23	Erie	2.29
Carroll	2.22	Fairfield	2.22
Champaign	2.27	Payette	2.22
Clark	2.25	Franklin	2.24
Clermont	2.22	Pulton	2.30

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Gallia	\$2.22	Morgan	\$2.22
Geauga	2.26	Morrow	2.27
Greene	2.24	Muskingum	2.22
Guernsey	2.22	Noble	2.22
Hamilton	2.22	Ottawa	2.31
Hancock	2.29	Paulding	2.28
Hardin	2.29	Perry	2.22
Harrison	2.22	Pickaway	2.22
Henry	2.30	Pike	2.22
Highland	2.22	Portage	2.25
Hocking	2.22	Preble	2.24
Holmes	2.24	Putnam	2.29
Huron	2.29	Richland	2.27
Jackson	2.22	Ross	2.22
Jefferson	2.22	Sandusky	2.30
Knox	2.25	Scioto	2.22
Lake	2.26	Seneca	2.29
Lawrence	2.22	Shelby	2.27
Licking	2.24	Stark	2.24
Logan	2.28	Summit	2.25
Lorain	2.27	Trumbull	2.25
Lucas	2.31	Tuscarawas	2.22
Madison	2.24	Union	2.26
Mahoning	2.24	Van Wert	2.28
Marion	2.28	Vinton	2.22
Medina	2.25	Warren	2.22
Meigs	2.22	Washington	2.22
Mercer	2.27	Wayne	2.25
Miami	2.26	Williams	2.28
Monroe	2.22	Wood	2.30
Montgomery	2.24	Wyandot	2.28

OKLAHOMA

Adair	\$2.18	Nowata	\$2.15
Cherokee	2.17	Osage	2.13
Choctaw	2.16	Ottawa	2.18
Craig	2.17	Pittsburg	2.14
Delaware	2.18	Pushmataha	2.16
Haskell	2.16	Rogers	2.15
Latimer	2.16	Sequoyah	2.18
Le Flore	2.18	Tulsa	2.14
McCurtain	2.18	Wagoner	2.15
McIntosh	2.14	Washington	2.14
Mayes	2.17	All other counties	2.12
Muskogee	2.15		

PENNSYLVANIA

All counties	\$2.18
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SOUTH CAROLINA

Abbeville	\$2.24	Greenwood	\$2.25
Aiken	2.26	Hampton	2.28
Allendale	2.27	Horry	2.24
Anderson	2.24	Jasper	2.28
Bamberg	2.27	Kershaw	2.25
Barnwell	2.26	Lancaster	2.24
Beaufort	2.28	Laurens	2.25
Berkeley	2.28	Lee	2.25
Calhoun	2.27	Lexington	2.26
Charleston	2.28	Marion	2.24
Cherokee	2.24	Marlboro	2.24
Chester	2.25	McCormick	2.25
Chesterfield	2.24	Newberry	2.25
Clarendon	2.27	Oconee	2.24
Colleton	2.28	Orangeburg	2.27
Darlington	2.25	Pickens	2.24
Dillon	2.24	Richland	2.26
Dorchester	2.28	Saluda	2.25
Edgefield	2.25	Spartanburg	2.24
Fairfield	2.25	Sumter	2.26
Florence	2.25	Union	2.25
Georgetown	2.26	Williamsburg	2.26
Greenville	2.24	York	2.24

SOUTH DAKOTA

Bon Homme	\$2.15	Grant	\$2.17
Brookings	2.17	Hamlin	2.15
Charles Mix	2.13	Hanson	2.14
Clark	2.14	Hutchinson	2.15
Clay	2.17	Kingsbury	2.14
Codington	2.15	Lake	2.15
Davison	2.13	Lincoln	2.18
Day	2.13	Marshall	2.13
Deuel	2.17	McCook	2.15
Douglas	2.13	Miner	2.14

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Minnehaha	\$2.18	Union	\$2.18
Moody	2.17	Yankton	2.15
Roberts	2.15	All other counties	2.12
Sanborn	2.13		
Turner	2.16		

TENNESSEE

Carroll	\$2.23	Lake	\$2.28
Chester	2.23	Lauderdale	2.28
Crockett	2.26	McNairy	2.23
Dyer	2.28	Madison	2.24
Payette	2.26	Obion	2.26
Gibson	2.26	Shelby	2.28
Hardeman	2.24	Tipton	2.28
Haywood	2.26	Weakley	2.24
Henderson	2.23	All other counties	2.22
Henry	2.23		

TEXAS

Bowie	\$2.19	Matagorda	\$2.18
Brazoria	2.20	Montgomery	2.20
Calhoun	2.16	Newton	2.21
Cass	2.19	Orange	2.22
Chambers	2.22	Polk	2.19
Fort Bend	2.20	Red River	2.18
Galveston	2.22	San Jacinto	2.19
Hardin	2.21	Tyler	2.19
Harris	2.22	Waller	2.19
Jackson	2.16	Washington	2.17
Jasper	2.21	Wharton	2.18
Jefferson	2.22	All other counties	2.14
Lamar	2.17		
Liberty	2.22		

VIRGINIA

Accomac	\$2.25	Mecklenburg	\$2.24
Amelia	2.24	Middlesex	2.25
Brunswick	2.26	Nansemond	2.28
Caroline	2.25	New Kent	2.25
Charles City	2.25	Newport News	
Chesapeake		City	2.25
City	2.28	Northampton	2.25
Chesterfield	2.25	Northumberland	2.25
Dinwiddie	2.26	land	2.25
Essex	2.25	Nottoway	2.24
Gloucester	2.25	Powhatan	2.24
Goochland	2.24	Prince George	2.26
Greenville	2.26	Richmond	2.25
Hampton		Southampton	2.27
City	2.25	Surrey	2.28
Hanover	2.26	Sussex	2.26
Henrico	2.25	Virginia Beach	2.28
Isle of Wight	2.28	Westmoreland	2.25
James City	2.25	York	2.25
King and Queen	2.25	All other counties	2.23
King George	2.25		
King William	2.25		
Lancaster	2.25		
Lunenburg	2.24		
Mathews	2.25		

WEST VIRGINIA

All counties	\$2.20
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WISCONSIN

Adams	\$2.19	Green	\$2.24
Barron	2.17	Green Lake	2.20
Brown	2.18	Iowa	2.22
Buffalo	2.18	Jackson	2.19
Burnett	2.16	Jefferson	2.24
Calumet	2.19	Juneau	2.19
Chippewa	2.17	Kenosha	2.26
Clark	2.17	Kewaunee	2.17
Columbia	2.22	La Crosse	2.19
Crawford	2.21	Lafayette	2.23
Dane	2.23	Langlade	2.17
Dodge	2.23	Lincoln	2.16
Door	2.17	Manitowoc	2.19
Douglas	2.16	Marathon	2.17
Dunn	2.18	Marquette	2.17
Eau Claire	2.18	Margaret	2.20
Fond du Lac	2.21	Milwaukee	2.24
Grant	2.22	Monroe	2.19

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Oconto	\$2.18	Sawyer	\$2.16
Oneida	2.16	Shawano	2.18
Outagamie	2.18	Sheboygan	2.21
Ozaukee	2.23	Taylor	2.16
Pepin	2.18	Trempealeau	2.18
Pierce	2.18	Vernon	2.20
Polk	2.17	Walworth	2.25
Portage	2.18	Washburn	2.16
Price	2.16	Washington	2.23
Racine	2.25	Waukesha	2.24
Richland	2.21	Waupaca	2.18
Rock	2.25	Waushara	2.19
Rusk	2.16	Winnebago	2.19
St. Croix	2.17	Wood	2.18
Sauk	2.21		

(b) Premium—Low moisture.

Percent	Cents per bushel
12.2 or less	+2
12.3 through 12.7	+1
12.8 through 13.0	0

(c) Discounts.

(1) Class.

Class	Cents per bushel
Black	-25
Brown	-25
Mixed	-25

(2) Moisture.

Percent	Cents per bushel
13.1 through 13.5	-1
13.6 through 14.0	-2

(3) Test weight per bushel.

Pounds	Cents per bushel
53.0 through 53.9	-1/2
52.0 through 52.9	-1
51.0 through 51.9	-1 1/2
50.0 through 50.9	-2
49.0 through 49.9	-2 1/2

(4) Splits.

Percent	Cents per bushel
20.1 through 25.0	-1/4
25.1 through 30.0	-1/2
30.1 through 35.0	-3/4
35.1 through 40.0	-1

(5) Damaged kernels.¹

Heat (percent)	Cents per bushel
0.6 through 1.0	-1
1.1 through 1.5	-2
1.6 through 2.0	-3
2.1 through 2.5	-4
2.6 through 3.0	-5

Total (percent)	Cents per bushel
2.1 through 3.0	-1/4
3.1 through 4.0	-1
4.1 through 5.0	-1 1/2
5.1 through 6.0	-2
6.1 through 7.0	-2 1/2
7.1 through 8.0	-3

¹ Use column which yields the higher applicable discount.

	Cents per bushel
(6) Materially weathered	-5
(7) Stained	-2
(8) Purple mottled	-2
(9) Weed control laws. (Where required by § 1421.74)	-10

(10) Other factors. Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the soybeans, such as

(but not limited to) moisture, musty, sour, and heating. Such discounts will be established not later than the time delivery of soybeans to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately 1 month prior to the loan maturity date.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 26, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-11788; Filed, Oct. 3, 1969;
8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 12]

PART 101—ADMINISTRATION Organizational and Functional Statement

Part 101 of Title 13 of the Code of Federal Regulations is hereby amended by revising sections from and including §§ 101.1 to 101.3-1 thereof, to read as follows:

§ 101.1 Purpose, function, general organization.

(a) *Purpose.* To aid, counsel, assist, and protect the interests of small business concerns; to insure that a fair proportion of the total Government purchases and contracts or subcontracts for property and services for the Government be placed with small business enterprises; to insure that a fair proportion of the total sales of Government property be made to small business enterprises; to make loans to small business concerns and to victims of floods or other catastrophes; to make loans to State and local development companies; to license and regulate small business investment companies; to make loans to small business investment companies; to improve the management skills of owners, potential owners, and managers of small business concerns with direct action programs and through established channels of business relations; and to conduct planning studies and evaluations of the economic environment and relate the forecasted environment to the need and problems of the small business community so as to protect its interests.

(b) *Functions.* (1) To provide financial counseling and make direct or bank participation loans to small business concerns to finance plant construction, conversion, expansion, or to finance the acquisition of equipment, facilities, machinery, supplies, or materials and to furnish such concerns with working capital if necessary; make loans to cor-

porations formed and capitalized by a group of small business concerns with resources provided by them for the purpose of obtaining for the use of such concerns raw materials, equipment, inventories, supplies, or the benefits of research and development or for establishing facilities for such purposes; make direct or bank participation loans to aid victims of floods, riots or civil disorders, or other catastrophes to repair, rebuild or replace their homes, businesses, or other property; make direct or bank participation loans to assist small businesses which have sustained substantial economic injury resulting from a major or natural disaster; make direct or bank participation loans to assist small businesses economically injured by a federally aided urban renewal or highway construction program, or any other construction conducted with funds provided by the Federal Government; make direct or bank participation loans to assist small businesses that have suffered substantial economic injury as a result of their inability to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes; to process and service loans for the rehabilitation of business property owners or tenants in urban renewal areas; guarantee the payment of rentals under leases entered into by small business concerns; make direct or bank participation loans on the basis of certifications made by the Secretary of Commerce to assist firms to adjust to changed economic conditions resulting from increased competition from imported articles; make loans to State and local development companies under provisions contained in sections 501 and 502 of the Small Business Investment Act; and make, participate in, or guarantee economic opportunity loans made under provisions contained in title IV of the Economic Opportunity Act.

(2) To certify to Government procurement officers as to the capacity and credit of a small business concern to perform a specific Government contract; encourage letting of subcontracts by Government prime contractors to small business concerns; participate with other Government agencies in establishing total Government goals for awards to small business; to review procurement procedures, records, and contract files of other Government agencies for the purpose of checking the effectiveness of the set-aside program and its administration; consult with other Government agencies in connection with their issuance of orders or in the formulation of policies affecting small business concerns; establish "size standards" to designate what business enterprises shall be designated as small business concerns with respect to: Government procurement, lending, disposal of property, and allocation or distribution of materials or supplies, and assistance from licensed small business investment companies and State and local development companies; approve small business defense production pools

and research and development pools; enter into Government prime contracts and sublet their performance to small business concerns; inventory productive facilities of small business concerns; consult with Government agencies to insure fair and reasonable treatment for small business concerns; ascertain and coordinate the means whereby the productive capacity of small business concerns can be utilized most effectively; to cosponsor small business management courses and conferences; encourage research into the management problems of small business concerns, prepare leaflets and booklets containing new and pertinent information on management; counsel individual small businessmen, as well as prospective businessmen, on their management problems; conduct workshops for prospective business owners; work with large manufacturers, wholesalers and trade associations for the purpose of encouraging them to initiate or expand improved management development programs for their small customers, suppliers, or members; enlist the volunteer aid of retired executives for assisting small businessmen in overcoming their management and related problems; assist small business concerns to obtain Government contracts for research and development, to obtain the benefits of Government-sponsored research and development and to provide technical assistance to small businesses.

(3) To license, regulate, and provide financial assistance to small business investment companies for the purpose of improving and stimulating the national economy and the small business segment thereof. The sole function of such small business investment companies is to provide venture capital in the form of equity financing and long-term loan funds, and advisory services to small business concerns.

(4) To conduct economic and statistical research pertaining to matters materially affecting the competitive strength of small business, and of the effect on small business of Federal laws, programs, and regulations, and makes recommendations to appropriate Federal agencies for the adjustment of such programs and regulations to the need of small business; analyze the economic and social effects of SBA activities and prepare recommendations concerning long-term legislative requirements; maintain liaison with universities, research groups, and other bodies that are conducting research and studying economic factors pertaining to small business, and to furnish economic data and statistical information to aid such parties in carrying out these types of studies.

(c) *General organization.* (1) Management of the Small Business Administration is vested in an Administrator appointed by the President with the advice and consent of the Senate. The Administrator is authorized to appoint two associate administrators under the Small Business Act and one associate administrator under the Small Business Investment Act. The Administrator is authorized to appoint a Deputy Administrator

who shall be Acting Administrator of the Administration during the absence or disability of the Administrator or in the event of a vacancy in the Office of the Administrator. The Administrator is authorized, subject to the Civil Service and Classification Laws, to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of the Small Business Act and the Small Business Investment Act.

(2) The headquarter's office of the Small Business Administration is located at 1441 L Street NW., Washington, D.C. 20416. Further information concerning the activities of SBA can be obtained by calling the Office of Public Information, 382-4901.

(d) *Applicable law.* (1) Loans made by SBA are authorized and executed pursuant to Federal programs adopted by Congress to achieve national purposes of the U.S. Government.

(2) Instruments evidencing a loan, obligation of security interest in real or personal property payable to or held by the Administration or the Administrator, such as promissory notes, bonds, guaranty agreements, mortgages, deeds of trust, and other evidences of debt or security shall be construed and enforced in accordance with applicable Federal law.

(3) In order to implement and facilitate these Federal loan programs, the application of local procedures, especially for recordation and notification purposes, may be utilized to the fullest extent feasible and practicable. However, the use of local procedures shall not be deemed or construed to be any waiver by SBA of any Federal immunity from any local control, penalty, or liability.

(4) Any person, corporation, or organization that applies for and receives any benefit or assistance from SBA, or that offers any assurance or security upon which SBA relies for the granting of such benefit or assistance, shall not be entitled to claim or assert any local immunity to defeat the obligation such party incurred in obtaining or assuring such Federal benefit or assistance.

§ 101.2 Organization of the Washington Office—Administrator.

All offices heading §§ 101.2 to 101.2-9 are located in Washington, D.C., and their heads report directly to the Administrator. The Administrator is responsible to the President and Congress for exercising direction, authority, and control over the Small Business Administration. Determines and approves all policies covering the Agency's programs to aid, counsel, assist, and protect the interests of the Nation's small business concerns. He delegates responsibility and authority, except the authority to make or decline pool loans; applied research programs; and defense production pools, as set forth in sections 7(a) (6), 9(d), and 11 of the Small Business Act, to the Deputy Administrator, associate administrators, other Central Office officials reporting directly to him, and the area administrators. He consults with Fed-

eral, State, and local agencies in behalf of small business interests in the national economy. Reports to the President and Congress on Agency program accomplishments and problems. He directs the execution of authority delegated to the Administrator by the Secretary of Housing and Urban Development with respect to performance of SBA's responsibilities under section 312 of the Housing Act of 1964, as amended. He maintains as a responsibility of his office the activities related to equal employment opportunity within SBA, formal review of size appeals cases, Agency participation and representation in the Interagency Program, and the SBA Program Advisory Council. He periodically evaluates the performance, accomplishments, and short-range and long-range planning goals of the Central Office officials reporting directly to him, and the area administrators.

(a) *Hearing Examiner.* Presides at hearings and examinations conducted in accordance with proceedings of section 11 of the Administrative Procedures Act. These hearings and examinations involve the enforcement of compliance with the provisions of the Small Business Investment Act, policies and regulations issued by SBA under the act, in addition to compliance matters involving the SBA civil rights program and regulations pursuant to the provisions of the Civil Rights Act of 1964. Also conducts hearings relative to dispute article in the administration of SBA contracts. Administers oaths, subpoenas witnesses; takes testimony; rules on the admissibility of evidence, offers of proof and other disputed matters; rules upon motions and procedural requests; and takes all necessary precautions to protect the rights of all parties. Makes decisions based upon the evidence in the record, the arguments and contentions made, and the application of law and regulations to the facts.

(b) *National Advisory Council—Small Business Administration.* The National Advisory Council of the Small Business Administration is composed of representatives from each of the Regional Advisory Councils and Members-at-Large from each of the Agency areas. These representatives are persons actively engaged in small business or finance, or in services or professions related to small business including the fields of labor, law, accounting, insurance, education, real estate, and the news media. These members particularly qualified by their knowledge of and interest in small business are able to contribute substantially to the Agency and the small business community. All members are selected by the Administrator and serve at his pleasure without compensation. The council meets with and advises the Administrator on the development, execution, and evaluation of present or proposed SBA programs. All functions are purely advisory and all determinations of actions to be taken are made solely by the responsible SBA officials. The Administrator appoints the chairman of the council.

§ 101.2-1 General Counsel.

Advises the Administrator and other officials as to the legal aspects of the development and execution of SBA policies and programs. Analyzes and interprets legislation, regulations, and orders relating to the operation of the Agency for compliance with statutory and regulatory requirements. Reviews legislative proposals affecting small business and develops recommendations for the Administrator for submission to Bureau of the Budget and congressional committees. Prepares legislative proposals relating to SBA, and develops reports for congressional hearings or the Office of the President. Represents the Administrator in negotiations with other Government agencies as to the legal aspects of matters pertaining to responsibilities of SBA. Develops legal theories incorporated in requests to the Comptroller General or to other Government agencies for decisions in matters of interest to small business. Assists and participates with the Department of Justice in litigation arising from delinquent loans, criminal matters, and other SBA program activities. Prosecutes administrative proceedings pursuant to the Small Business Investment Act. Provides legal counsel and assistance, including drafting of legal instruments, to Agency officials in the development of policies, operating procedures, and interagency agreements relating to the financial, investment, administrative, technical, and procurement assistance programs. Also, provides legal advice in connection with program operations on such matters as the formation of defense production pools and research and development pools; eligibility of applicants for assistance from SBA; and servicing and liquidation of loans. Plans, directs, and provides for the development of adequate controls over the legal assistance operations conducted at Central and field office levels, and initiates corrective policies where required. Prepares documents for publication in the FEDERAL REGISTER, and interprets the Administrative Procedure Act. Serves as legal adviser to the Size Appeals Board.

(a) *Administrative Operations Staff.* Prepares budget estimates and develops supporting data for offices for which General Counsel is responsible. Cooperates with the Budget Division in budget preparation, presentation and control. Maintains liaison with the Budget Division in connection with budgetary matters. Coordinates and recommends procedures and other instructions for the administration of legal activities. Cooperates with the Assistant Administrator (Comptroller) and his staff with respect to such activities. In cooperation with the Work Measurement Division, Office of Reports, develops work measurement system for Central and field office legal staff. Analyzes workload and work measurement data submitted by Central Office and field attorneys. Directs, recommends, coordinates, and controls all administrative directives, procedures, and practices relating to the functions and activities of General

Counsel. Initiates and conducts studies designed to facilitate staff operations and leading to solution of special problems as they arise. Advises the General Counsel or Deputy General Counsel on all administrative matters, and on all personnel and training matters involving field office legal personnel. Conducts studies and prepares recommendations with respect to manpower utilization, staffing requirements, and delegations of authority. Coordinates and prepares planning-programming-budgeting system statements, statistics, and reports for submission by GC to the Administrator, and Assistant Administrator (Comptroller). Plans, prepares, and coordinates the preparation of reports for the General Counsel. Reviews administrative deficiencies and problems and recommends corrective action. Coordinates followup actions and replies on reports of audit examinations of legal operations. Establishes and directs the maintenance of all files and records for the General Counsel, including the official litigation files of the Agency.

(b) *Office of Loans.* Provides legal counsel to Agency officials in the development of policies and operating procedures relating to the financial assistance programs under section 7 of the Small Business Act, title IV of the Economic Opportunity Act, and rehabilitation loan program under section 312 of the Housing Act of 1964. Advises on legal problems arising in connection with individual loan applications, loan disbursements, and administration of current loans, and determines legal action necessary to protect the Agency's interest in such loans. Renders opinions in interpreting Small Business Act, EO Act, regulations, and loan policy statement, especially loan eligibility requirements involving novel and complex situations. Advises field counsels of current eligibility determinations by publication of opinion digests. Analyzes and comments on proposed new loan programs and procedures within existing legislative authority, and also on new legislative lending proposals. Participates in drafting, reviewing, and revising standard SBA loan forms. Participates in drafting, reviewing, and revising of SBA financial assistance directives and publications. Prepares for publication in FEDERAL REGISTER revisions in loan policy statement, official declaration of disaster area, and official statements involving group corporation loans. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Reviews and evaluates security information under financial assistance and investment programs. Maintains liaison with Department of Agriculture, Department of Justice, Department of Housing and Urban Development, and other Government agencies on legal matters relating to the loan programs.

(c) *Office of Liquidation and Litigation.* Advises operating officials with respect to all legal action necessary in connection with liquidation and disposal

programs of the Agency, other than those involving matters pursuant to the Small Business Investment Act, as amended. Acts as liaison with the Department of Justice and field officers in all civil litigation and criminal matters arising under programs authorized under the Small Business Act. Prepares cases for submission to the Department of Justice, with recommendations for litigation or prosecution, obtains and evaluates evidence and assists in the trial of cases whenever necessary or requested. Advises the Administrator, operating officials, and field offices with respect to problems involving subpoenas served upon SBA employees and disclosure of information contained in the files and records of the Agency relating to liquidation and disposal of acquired collateral. Advises and assists the Office of Security and Investigations in all matters involving possible criminal activities by borrowers and others and with respect to any improper activity by representatives of borrowers. Prepares and conducts Agency disbarment proceedings which may be instituted as the result of such misconduct. Participates with the other offices of the General Counsel in consideration of any problems in the above categories which arise in connection with their functions and activities.

(d) *Office of Legislation.* Reviews all legislation or legislative proposals affecting the interests of small business or the operations of SBA. Prepares legislative proposals relating to the interests of small business or to the functions of SBA. Prepares statements and reports for Congressional hearings or committees and for the Bureau of the Budget with respect to legislative matters, and prepares answers to all inquiries relating thereto. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Prepares SBA summary of the Congressional Record.

(e) *Office of Economic Development.* Plans, develops, and directs all legal functions arising under or in connection with the establishment and administration of the lease guarantee program under title IV of the Small Business Investment Act of 1958, as amended. Prepares all reinsurance agreements entered into with private insurance companies in connection with the lease guarantee program. Plans and directs all legal functions under or in connection with the 501 and 502 loans, in connection with the administration of title V of the Small Business Investment Act of 1958, as amended. Plans and directs legal activities in connection with the processing, servicing, and closing of section 202 loans under the Public Works and Economic Development Act of 1965, pursuant to delegations of authority from the Department of Commerce to SBA. Provides legal interpretations under said acts, including eligibility and compliance with statutory and regulatory requirements. Develops or modifies basic legal

forms employed in the processing, disbursement, and servicing of said loans and insurance policies. Reviews authorizations employed in the disbursement of said loans. Provides legal advice and services in dealings with officials of Federal and State agencies conducting related programs; legal representatives of local civic groups in connection with administration of the programs. Assists in the development and issuance of regulations involved in the administration of said programs.

(f) *Office of Legal Investment.* Advises operating officials on legal aspects in the development of policies, regulations, and operating instructions relating to Agency programs under the Small Business Investment Act of 1958. Advises and prepares legal documents with respect to the granting of licenses and loans to small business investment companies and the regulation of such companies. Provides legal services pertaining to the administration and enforcement of the act and regulations. Advises and counsels operating officials as to required legal action to be taken in investigation of and enforcement of the act and regulations, and as to servicing and collection of debentures purchased from and loans extended to small business investment companies pursuant to the provisions of the act. Provides legal counsel and advice to staff members of the Associate Administrator for Investment in connection with findings of formal investigations of licensed SBIC's under authority of section 310 of the act. Analyzes evidentiary material obtained through such investigations and determines whether facts are sufficient for commencement of administrative proceedings under sections 309, 313, and 314, of the act or judicial proceedings under sections 308, 311, and 315 of the act. Conducts legal research, prepares pleadings, and conducts litigation leading toward revocation of licenses under sections 308 and 309, subpoena enforcement under section 310, injunctions and receivers under section 311, removal or suspension of directors and officers of licensees under section 313, violations of breach of fiduciary duty by officers, directors, employees, or agents of licensees under section 314 of the act. Conducts all administrative proceeding hearings required to enforce compliance with the provisions of the Investment Act, and policies and regulations issued by SBA under the act, including preparation of necessary pleadings. Assists Department of Justice on civil fraud litigation and criminal matters involving small business investment companies. Refers to Department of Justice for appropriate action any evidence indicating criminal violation of the Code of the United States arising out of transactions investigated pursuant to the act. Advises in connection with subpoenas to employees and disclosure of information problems involving small business investment companies. Advises the Associate Administrator for Investment with respect to legal aspects affecting improper activities and misconduct of small business investment company representatives in

connection with actions taken to suspend or revoke their right to appear as counsel or agent in SBA proceedings. Maintains liaison with Government agencies on legal matters relating to the investment program. Directs the development of short-range and long-range legal objectives and goals relevant to the program. Provides legal counsel and advice to operating officials concerning necessary legal action incident to Agency liquidation and disposal programs pursuant to the Small Business Investment Act, as amended. Responsible for litigation initiated, in coordination with the Department of Justice, for appropriate relief in connection with SBIC liquidation and disposal matters, including the entry of a money judgment, adjudication of violations, injunctive relief, and/or the appointment of a receiver. To the extent required, counsels and supervises participating field office personnel with regard to assigned legal responsibilities affecting SBIC's in a liquidation status.

(g) *Office of Procurement Interagency and Administrative Law.* Directs, coordinates, and administers the Small Business Administration's interagency program, by presenting and advocating the small business point of view before Federal departments and agencies wherever existing policies, programs, or pending decisions, orders or other actions of executive agencies discriminate against the interests of the small business community. Represents SBA at interagency industrial conferences, Agency hearings, and court proceedings. Provides legal counsel to Agency officials in the development of policies and operating procedures relating to management and research assistance, and small business defense production and research and development pool programs; to small business concerns in their dealings with Government procurement officials; and to the Agency's Size Appeals Board. Provides legal assistance to Agency officials in the development of policies and procedures relating to the administrative functions of the Agency and the solution of fiscal, personnel, property management, and other administrative problems. Advises and assists Agency officials in the negotiation, award, and administration of contracts for the procurement of supplies and services (including research studies) for the Agency. Provides legal assistance relating to ad hoc committee matters and to the following programs: Equal employment opportunity; advisory council; planning, research, and analysis; congressional and public affairs; and procurement and management assistance. Conducts final legal review of all Boards of Survey Reports and recommendations on claims under the Federal Tort Claims Act in the denial or allowance of claims in unlimited amounts. Maintains liaison with the Federal Trade Commission, the Antitrust Division of the Department of Justice, and the Office of the Federal Register. Provides legal assistance in the implementation of the requirements of title VI of the Civil Rights Act of 1964. Advises and assists Agency officials in development of policies

and procedures relating to the employee organization-management program under Executive Order 10988, including assistance in negotiating agreements with employee organizations. Provides legal counsel appearing on behalf of the Agency in proceedings and hearings before Regional Civil Service Commission Hearing Officers and prepares and submits appeals on behalf of the Agency before the Board of Appeals of the Civil Service Commission. Provides legal counsel and services to Agency officials in the development of policies, interagency agreements, and operating procedures relating to size standards, size appeals, procurement, and procurement assistance programs, including contracting with other Government agencies and subcontracting the performance of such contracts under section 8(a), the award of contracts and grants for technical and managerial assistance under section 406(a) of the Economic Opportunity Amendments of 1967, the prime contract assistance, the subcontracting, the certificate of competency, and the research and development programs.

§ 101.2-2 Associate Administrator for Financial Assistance.

Plans, directs, coordinates, and implements the financial assistance programs of the Small Business Administration, including the related activities of liquidation and disposal, appraisal, and promotion of bank relations. Formulates and recommends policies and directs the establishment of agencywide standards and procedures to govern these programs and activities. Represents the Administrator in negotiations with other Government agencies whose activities relate to the financial assistance programs of SBA. Maintains continuing liaison and personal contact with top representatives of the banking community to promote their participation in guaranty and participation loan programs, better small business-bank relations, and liberalized financing for minority enterprises, and to develop a market for SBA loans. Negotiates basic agreements with financial institutions at the national level. Plans and directs the development of short-range and long-range goals and objectives. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Central and area offices. Approves or declines applications for lease guarantee. Serves as alternate member of the Size Appeals Board.

(a) *Administrative Operations Staff.* Serves as administrative support to the Associate Administrator for Financial Assistance and the Deputy Associate Administrator in the planning, budgeting, and control of the financial assistance programs for which they have responsibility. Provides statistical support for the Associate Administrator and financial assistance office heads in their reviews of program effectiveness and use in program planning, policy development, and program supervision. Coordinates

and recommends procedures and other instructions for the administration of the financial assistance activities. Cooperates with the Assistant Administrator for Management and his staff with respect to such procedures and instructions. Develops requirements for the submission of program cost reduction and manpower utilization reports. Analyzes deficiencies and inadequacies in program reports and proposes corrective actions. Advises the Associate Administrator on all administrative management, personnel, and general service matters relating to the financial assistance programs. Coordinates financial assistance activities with respect to mobilization planning. In cooperation with the Work Measurement Division, Office of Reports, develops work measurement system for Central and field office staff. Analyzes workload and work measurement data submitted by Central Office and field financial assistance personnel. Coordinates and prepares planning-programming-budgeting system statements, statistics, and reports for submission by the Associate Administrator for Financial Assistance and Deputy Associate Administrator for Financial Assistance to the Administrator and Assistant Administrator (Comptroller). Coordinates the development of budget estimates for the financial assistance programs and develops supporting data. Cooperates with the Budget Division in financial assistance budget preparation, presentation, and control. Makes final determinations of loan eligibility on difficult or complex cases which are submitted by field offices. Plans, develops, and coordinates financial assistance training programs in cooperation with program offices and the Office of Personnel. Prepares material and reports for submission to Congress.

(b) *Office of Business Loans.* Formulates and recommends Agency policy governing the business loan programs of the Small Business Administration. Plans, directs, coordinates, and evaluates the SBA programs governing regular business loans, displaced business loans, economic opportunity assistance loans, lease guarantees, and rehabilitation loans for the Department of Housing and Urban Development, and trade adjustment loans. Develops and recommends financial policy and establishes financial standards and procedures to be used by financial assistance field personnel in the processing and servicing of certificates of competency. Participates with the Industrial Support Services Division, Office of Procurement Assistance, and the General Counsel in conducting training programs for field personnel in the processing and servicing of certificates of competency. Conducts, as required by Central Office officials, financial reviews of complex COC cases including plant visits or followup of delinquent and problem cases. Directs and administers policies and procedures pertinent to the processing of loan applications under the financial assistance program for which the office has responsibility. Directs and administers policies and procedures pertaining to the administration of SBA

loans for which the office has responsibility, including problem and delinquent loans. Participates with General Counsel and other SBA offices in developing procedures for administering problem and delinquent loans. Maintains liaison with other Government agencies whose activities relate to the business loan programs of SBA. Approves or declines those loan applications, including applications for disaster loans, economic opportunity loans, displaced business loans and trade adjustment loans which are submitted to this office. Makes recommendations on lease guarantees. Exercises final authority on all requests from area offices for deviations from established SBA financial assistance procedures. Recommends final action on all requests from area offices on loans not classified as "in liquidation" regarding purchase of bank's share of participation loan; denial of liability under participation or guarantee agreement; taking legal action against a participant; decline of bank's request for funds under the "liquidity privilege" of a loan guarantee agreement, or acceptance of compromise settlement, except as permitted in the loan servicing directive (ND 520-1A). Directs the development of short-range and long-range objectives and program goals in accordance with Agency objectives set forth in the PPBS; contributes to the annual compilations of that report and its quarterly review; evaluates the performance of the personnel for which they are responsible; and assures that the goals and objectives established are met. Provides advice and guidance to the area offices with respect to the business loan programs of SBA including training of program personnel. Reviews operations within the areas and makes visits to appraise performance.

(c) *Office of Disaster Loans.* Formulates and recommends Agency policy governing the disaster loan programs of the Small Business Administration. Plans, directs, coordinates, and evaluates the SBA programs governing physical, economic injury, and product disaster loans. Analyzes reports of physical disaster damage from field offices and other sources and recommends disaster declarations to the Administrator. Maintains necessary liaison and coordination with Federal, State, and local governments, as well as with private organizations, enlisting their help, support, and cooperation in providing assistance during times of disaster. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Maintains a cadre of Central Office disaster personnel in a constant state of readiness to move to the site of a disaster to establish required special disaster offices. Directs a cadre of field loan officer personnel for disaster loan operations. Trains field office disaster cadres on policies and procedures of disaster programs. Reviews files on certain disaster loans.

(d) *Office of Appraisals.* Formulates and recommends Agency policy governing the appraisal program of the Small Business Administration. Plans, coordi-

nates, and evaluates SBA's programs involving appraisals of physical properties representing collateral securing various types of loans, engineering and feasibility determinations of projects, proposals, and maintains surveillance of approved projects for loan disbursements, and involving location studies on applications for lease guarantee. Provides advice, guidance, and technical support to the area offices with respect to the appraisal program of SBA. Initiates technical training directives and guides for the appraisal program. Maintains liaison with governmental and nongovernmental agencies whose activities relate to the appraisal program of SBA. Directs the development of short-range and long-range national objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Takes necessary action on matters which must come to the Central Office for decision.

(e) *Office of Development Company Assistance.* Formulates and recommends Agency policy governing the development company assistance programs of the Small Business Administration. Plans, directs, coordinates, and evaluates section 501, state development company, and section 502, development company loan programs, excluding the liquidation of such loans. Provides for the administration of financial and technical activities conducted on behalf of the Economic Development Administration under the terms of an agreement between the Secretary of Commerce and the Administrator of SBA. Maintains liaison with state and local development companies, the Economic Development Administration, and other Government agencies having programs relating to these activities. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Provides advice and guidance to the area offices with respect to the development company loan programs of SBA and the financial and technical activities conducted on behalf of the Economic Development Administration.

(f) *Office of Liquidation and Disposal.* Formulates and recommends Agency policy and procedures governing the liquidation and disposal program of the Small Business Administration. Plans, directs, coordinates, and administers programs for: The liquidation of all defaulted accounts, classified in liquidation, in the business, disaster, economic opportunity and development company loan programs, all small business investment companies, rehabilitation loans for the Department of Housing and Urban Development, and Economic Development Administration loans for the Department of Commerce; the recovery of all Federal financial interest in such accounts through disposition of the collateral securing the account and collection from other assets or income from all persons liable for payment; and the protection, maintenance,

and disposal of all real and personal property and notes and securities acquired by the Agency through the liquidation of loans and investment companies. Directs the development of short-range and long-range objectives and program goals to meet Agency objectives; evaluates Agency liquidation and disposal performance against established goals; evaluates the performance of personnel for which responsible, and assures that established goals and objectives are met. For the liquidation and disposal function, develops budget estimates, cost reduction, and manpower utilization plans. In cooperation with the Office of Reports, develops statistical and other reporting requirements and work measurement systems for Central Office and field liquidation and disposal personnel. Analyzes all data on liquidation and disposal for deficiencies and inadequacies and recommends or initiates corrective action. Recommends final action on all requests from area personnel on loans classified in liquidation regarding denial of Agency liability to a participating bank under a participation or guaranty agreement and taking legal action against a participant. Serves as Chairman of the Central Office Compromise Review Committee which takes or recommends final action on all requests from area personnel on compromise settlements of obligations due SBA on loans classified in liquidation. Serves as Vice Chairman and member of the SBA SBIC Liquidation Determination Board. Exercises final authority on all requests from area personnel for deviations from established liquidation and disposal procedures. Advises the Associate Administrator for Financial Assistance, Deputy Administrator, and/or Administrator on Agency matters relating to the liquidation and disposal program. Participates with Office of General Counsel in the formation of recommended legislation relating to the SBA liquidation and disposal program and in the preparation of data required for the submission of cases to Department of Justice for litigation. Coordinates with Office of Appraisal, Office of General Counsel, and Office of Budget and Finance regarding their policies and procedures affecting the liquidation and disposal program. Develops, recommends, and implements interagency agreements regarding liquidation of loan accounts in which other agencies have a financial interest. Maintains liaison with other Government agencies whose activities relate to the liquidation and disposal program of SBA.

§ 101.2-3 Associate Administrator for Investment.

Plans, directs, coordinates, and administers the Small Business Investment Program. Directs the development of policies, regulations, and technical procedures for the supervision of the program. Determines standards for licensing and issues licenses to small business investment companies. Takes final action on all transactions contemplated by the Small Business Investment Act or the SBA Regulations. Takes final action on purchase of debentures from SBIC's,

the refunding and conversion of existing direct loan notes to debentures, the repurchase of subordinated debentures and direct loan notes from the holders, and determines actions required to protect SBA's credit position in connection therewith. Formulates and recommends to the Administrator changes in policy requiring his approval. Directs, coordinates, and administers the examinations program activities. Recommends policies and directs the establishment of standards and procedures to govern the examinations program and program activities. Defines courses of action to be followed in cases of noncompliance with the act or regulations. Orders investigations when indicated and requests appropriate legal action. Reviews investment company assistance operations conducted at the Central and field level and initiates corrective policies when required. Serves as an alternate member of the Size Appeals Board. Cooperates with other SBA officials concerning actions on cases reviewed by the SBIC Liquidation Determination Board.

(a) *Staff Director.* Coordinates the preparation of program goals and missions and planning, programming, and budgeting system data, including briefing documents for presentation by the Associate Administrator for Investment to the Administrator. Directs the preparation of budget estimates for the investment program. Plans and directs the development and implementation of accounting requirements, including regulations and procedures, for SBIC's. Reviews the periodic financial reports of SBIC's for adherence to accounting requirements and procedures. Plans, develops, and administers the program for financial and statistical analyses. Participates with other interested SBA offices in special studies for policy guidance based on accounting reports, financial analyses, and related matters concerning SBIC's. Provides counseling and interpretations of accounting policies and regulations to the Office of Eastern and Western SBIC Operations and other SBA offices. Initiates, develops, and recommends SBA Rules and Regulations concerned with accounting, reporting, and independent auditing of SBIC's. Approves investment companies' selections of independent public accountants, and conducts a program to acquaint such accountants with the requirements of SBA as to accounting, reporting, and independent auditing activities with respect to the SBIC's. Directs, coordinates, and evaluates the SBA program governing Small Business Investment Company examination and external examination of loans. Formulates and recommends Agency policy governing the Examinations Program. Develops recommendations relating to personnel and the records for the investment company program, and advises the Associate Administrator on all administrative matters relating to the program. Establishes and maintains controls over the flow of reports, documents, and other materials within the Investment Division, between Investment Division and other SBA offices, and with the licensees. Directs

promotional activities relating to prospective licensing of SBIC's. Consolidates and prepares materials to be incorporated in the annual report for submission to the President and Congress. Cooperates with other SBA offices in the preparation and review of legislation. Serves as liaison and focal point of contact with other organizational segments of SBA. Serves as liaison with other Government agencies, financial and industrial organizations, trade associations, and similar groups.

(1) *Office of Program Development.* Develops and recommends policies to improve the effectiveness of the operations of SBIC's for the benefit of small business. Recommends regulation changes and interpretations to clarify and further the intent of the Small Business Investment Act of 1958, as amended. Conducts research studies involving the development of new or revised policies with emphasis on the growth and stabilization of the SBIC industry as an established financial institution for small business, and for the participation of other financial intermediaries as an adjunct to, and eventual substitute for, Government financing. Coordinates such studies with other offices and officials of SBA as appropriate. Prepares investment program goals and missions and develops the planning, programming, and budgeting system reflecting the basic missions and short-range and long-range objectives of investment programs. Develops and establishes procedures and instructions to SBIC's for reporting program evaluation data on portfolio small business concerns. Develops and prepares analyses of program effectiveness and direction utilizing data on the progress of SBIC financed small business concerns from the Office of Administrative Operations. Prepares analyses of financial and statistical data furnished on SBIC financial reports to determine, and provide management and the public information on, the operating effectiveness of the SBIC industry from data furnished by the Office of Administrative Operations. Consolidates and prepares all investment informational material to be incorporated in quarterly briefing submissions to the Administrator and the Administrator's annual report for submission to the President and Congress. Meets and corresponds with interested groups, or individuals, concerning the possible formation and licensing of SBIC's and to promote the growth and development of the SBIC program. Participates as member of working group for implementation of the interagency program, under which SBA is charged with the advocacy of small business before other Government agencies. Serves as liaison with other Government agencies, financial and industrial organizations, trade associations, and similar groups to keep such organizations informed of the investment program and regulations. Provides technical information to the SBIC information officers in the field relative to the formation and licensing of SBIC's. Serves as a focal point of contact with the Office of Assistant Administrator for Planning, Research, and Analysis and participates in

the implementation of processing data bank information involving the investment program.

(2) *Office of Administrative Operations.* Prepares and controls the administrative and program budgets including justifications to support requirements of investment programs and coordinates with the Budget Division on congressional and Bureau of the Budget submissions. Participates with the Office of the Assistant Administrator (Comptroller) and Assistant Administrator for Management, as appropriate, on Investment Division matters relating to personnel administration, budget and finance, program planning, reports, organization and management, security and investigations, and administrative services, and with the Special Assistant for Equal Employment Opportunity and Executive Recruiting concerning equal employment opportunity. Advises the Associate Administrator for Investment and his key staff on all such matters. Serves as the focal point for the processing of financial, statistical, analytical, and summary reports on the operations of all licensed SBIC's for the use of SBA in administering the program and in counseling the management of the SBIC's. Serves as a focal point for the processing, statistical analysis, and summarization of data on the progress of SBIC financed small business concerns as furnished on SBIC program evaluation reports. Controls the receipt and distribution of all financial and program evaluation reports received from SBIC's. Conducts studies to evaluate the efficiency and effectiveness of the various operating segments of the Investment Division within designated areas of stated functional responsibility concerning policy and procedure, manpower utilization, staffing requirements, delegations of authority, adequacy of supervision, policy and procedural guidance, and employee training. Establishes and maintains controls applicable to SBIC's including data on investigations, litigation, surrenders, receivership cases, administrative proceedings, referrals to Department of Justice, civil court actions, and licensee financing. Utilizes control records to prepare periodic program data reports such as the Administrator's monthly report on investment activity reflecting quantitative data concerning licensing, program funds, examinations, investigations, legal actions, and settlement agreements related to SBIC's. Maintains, controls, evaluates, and reports on the investment work measurement data. Recommends methods and procedures to measure requirements of a variety of Investment Division functions. Recommends actions to be taken by the Associate Administrator for Investment and his key staff concerning the most effective and efficient use of investment personnel. Directs, recommends, coordinates, and controls all administrative directives, procedures, and practices relating to the functions and activities of the investment program. Develops and prepares all cost reduction program material incorporated in Investment Division report submissions. Plans, organizes, implements, controls, and reports on short-range and

long-range investment training. Coordinates followup action and replies on audit and examination reports of licensed small business investment companies. Coordinates with the Office of Public Information in the preparation of all informational material to be released to the public on the investment program and the preparation of the SBIC Digest. Develops and coordinates investment activities with respect to the SBA emergency preparedness program.

(3) *Office of Examinations.* Plans, directs, coordinates, and executes the agencywide examination and postexamination (investigation) programs relating to the small business investment companies licensed under the Small Business Investment Act and the Agency's program governing special examination of loans made under the financial assistance programs of SBA, including the related activities of liquidation and disposal. Develops policies and establishes standards and procedures to govern the examination programs and related activities for which responsible. Schedules and maintains control over all examinations conducted. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the goals and objectives established are met. Develops and reports through the Staff Director to the Associate Administrator for Investment and to the General Counsel facts and evidence to support corrective action to be taken by the Associate Administrator for Investment, administrative proceedings, or recommendation for legal action. Reports and, where appropriate, makes recommendations through the Staff Director to the requesting area administrator or regional director on findings in examinations of loans under the financial assistance program. Provides supervision over the examiners stationed in the field offices and instructs them in their activities. Advises and counsels Central and field office officials on all matters pertaining to the programs and activities of the office. Serves as adviser to the SBIC Liquidation Determination Board. Maintains liaison with SEC, FDIC, Comptroller of the Currency, GAO, Home Loan Bank Board, and other agencies where investigative findings are of mutual interest or in matters affecting the operations of SBA.

(b) *Office of Eastern SBIC Operations—Office of Western SBIC Operations.* Provides licensing and operational assistance and service to the SBIC's operating in the assigned geographical area. Plans, administers, and coordinates the program for licensing SBIC's to operate under the provisions of the Small Business Investment Act of 1958, as amended. Recommends action on proposals and license applications filed under the Small Business Investment Act and regulations, including the review of security information reports. Develops, recommends, and implements procedures for the licensing of SBIC's. Provides counseling and interpretation of established regulations; answers specific official inquiries and provides information relating to

licensed SBIC's. Reviews and recommends the action to be taken for the approval of officers, directors, and 10 percent or more stockholders in connection with actions involving change of control of a licensee. Also determines that surviving company meets the prescribed licensing standards. Processes all license application documents and arranges interviews or other proceedings for proponents of an SBIC with interested Central offices engaged in the investment program. Conducts the analyses of all financial statements, examination and investigation reports covering the operations and practices of the individual SBIC's. Determines the financial stability and reliability of the companies and compliance with the Small Business Investment Act and regulations. Based on these analyses and examinations, or investigations, takes or recommends action to assure compliance with the SBI Act and regulations. Recommends referral to the Office of Examinations all cases requiring investigation for the purpose of establishing facts. Counsels licensees as to interpretations of the SBI Act and regulations, within policies established by SBA, relative to: (1) SBA financing of SBIC's; (2) financing of small business concerns by SBIC's; (3) transactions requiring prior SBA approval; (4) accounting reports and regulations (this is in accord with established accounting procedures and policies); and (5) any other transactions subject to the regulations. Establishes adequate reserves for losses in connection with outstanding loans and debentures of operating licensees. Processes all requests and applications submitted by SBIC's for prior SBA approval of transactions requiring such approval under the regulations. Takes or recommends final action on requests to purchase subordinated debentures issued by SBIC's. Provides documentation and testimony in administrative proceedings and court cases. Takes or recommends final action on requests received from SBIC's for approval of changes in control, changes in capital structure, mergers, dissolutions, and surrenders of licenses. Examines all proxy material and prospectuses of SBIC's filed with SEC, for consistency with the SBI Act and the regulations. Recommends changes in the SBIC Act, regulations, forms, and procedures.

§ 101.2-4 Associate Administrator for Procurement and Management Assistance.

Plans, directs, coordinates, and implements the procurement and management assistance programs of the Small Business Administration. Formulates and recommends policies and directs the establishment of agencywide standards and procedures to govern these programs and activities. Represents the Administrator in negotiations with other Government agencies whose activities relate to the procurement and management assistance programs of SBA. Plans and directs the development of short-range and long-range goals and objectives for agencywide PMA programs and activities. Evaluates and reports to the Administrator on the accomplishments

in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Central and area offices. Serves as member on the Size Appeals Board.

(a) *Administrative Operations Staff.* Provides administrative support to the Associate Administrator for Procurement and Management Assistance and the Deputy Associate Administrator in the planning, budgeting, and control of the procurement and management assistance programs for which they have responsibility. Provides statistical support for the associate administrator and procurement and management assistance office heads in their reviews of program effectiveness and use in program planning, policy development, and program supervision. Coordinates and recommends procedures and other instructions for the administration of the procurement and management assistance activities. Cooperates with the Assistant Administrator for Management and his staff with respect to such activities. Develops requirements for program reporting, cost reduction, and manpower utilization. Analyzes deficiencies and inadequacies in program reports and proposes corrective actions. Advises the associate administrator on all administrative management, personnel, and general services matters relating to the procurement and management assistance activities with respect to mobilization planning. In cooperation with the Work Measurement Division, Office of Reports, develops work measurement system for Central and field office staff. Analyzes workload and work measurement data submitted by Central Office and field procurement and management assistance personnel. Coordinates and prepares planning-programming-budgeting system statements, statistics, and reports for submission by the associate administrator and deputy associate administrator to the Administrator and Assistant Administrator (Comptroller). Coordinates the development of budget estimates for the procurement and management assistance programs and develops supporting data. Cooperates with the Budget Division, Office of Budget and Finance, in budget preparation, presentation, and control. Prepares material and reports for Congress.

(b) *Size Standards Staff.* Conducts industrial studies and develops size definitions for financial assistance, procurement and management assistance, and investment programs. Recommends and promulgates size standards including establishment of procedures in connection with the size standards program. Processes inquiries received from various companies, Members of Congress, and other outside sources requesting interpretations or other information on the Small Business Administration size standards or regulations in concert with the General Counsel's office. Conducts industrial hearings on size matters, which are attended by representatives of the program areas concerned and a representative from the General Counsel's office. Processes all inquiries re-

ceived from the field offices on size matters.

(c) *Technical Planning Staff.* Formulates technical projects with respect to program matters to be carried out at the preplanning and preoperational stage, and conducts such special studies and comprehensive analyses concerning matters such as, but not limited to, Government, military, and civilian procurement, surplus sales and property disposal, program requirements, contract administration, appeals, and trade expansion, special communications, management assistance, management training, and technological utilization. Directs SBA's foreign trade activities. Develops, fosters, and stimulates interest and participation of small domestic concerns in foreign trade opportunities. Responsible for the implementation and coordination of the foreign assistance program, both in Washington and in the field, and for establishing and maintaining liaison with a private sector of the economy in matters relating to the foreign trade program. Serves as the focal contact point and represents the associate administrator or his deputy as their representative with authority to speak on their behalf with other officials of SBA, officials of other Government agencies, and such congressional contacts as may be required through the Office of Congressional Relations. Serves as the alternate for the associate administrator or his deputy on intra-agency or inter-agency groups, committees, etc. Reviews correspondence and documents of policy nature prepared for the signature of the associate administrator. Prepares correspondence and documents which are of major importance on behalf of the associate administrator.

(d) *Government Liaison Staff.* Represents the Small Business Administration with the Department of Defense and civilian agencies within the executive branch on procurement and management assistance matters. Recommends and participates in the development and preparation of interagency agreements and related policies and regulations applicable to small business procurement programs. Participates with these agencies in the development, modification, or changes in policies, procedures and directives to assure overall consistency with SBA policies and procedures. Develops and coordinates with the Department of Defense, General Services Administration, and other Government agencies programs, policies, goals, regulations, and procedures to insure that a fair portion of the total Government contracts, including research and development and stockpile surpluses, is placed with small business concerns (such as the prime contracting and set-aside programs). Provides for and coordinates SBA participation at procurement conferences sponsored by other Federal agencies or on behalf of congressional or local sponsors. On receipt at headquarters level of specific complaints by small business, arranges and participates in hearings with policy officials of cognizant Federal agencies to present the position of the complainants and seek amendatory

action. Evaluates overall small business procurement programs of Government agencies (departmental level) and makes recommendations designed to increase awards to small business concerns and facilitate their participation in related procurement. Advises other SBA offices with respect to positions to be taken by SBA in dealings with Government procurement agencies.

(e) *Office of Procurement Assistance.* Formulates and recommends Agency policy governing the procurement assistance programs of the Small Business Administration. Plans, directs, coordinates, and evaluates the SBA programs governing contract services, industrial support services, and subcontracting assistance. Represents SBA at the Secretary or Administrator's staff level of the Department of Defense and civilian agencies within the Executive Branch regarding matters involving procurement and management assistance activities. Recommends and participates in the development and preparation of interagency agreements and related policies and regulations. Participates with these agencies in the development, modification, or changes in policies, procedures, and directives to try to assure overall consistency with SBA policies and procedures. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the goals and objectives established are met. Develops and coordinates, in conjunction with the Assistant Administrator for Planning, Research, and Analysis, procedures for making economic studies to be utilized in strengthening the SBA procurement assistance programs. Provides advice and guidance to the area offices with respect to the procurement assistance programs of SBA.

(f) *Office of Management Assistance.* Formulates and recommends Agency policy governing management assistance programs of the Small Business Administration. Plans, directs, coordinates, and executes the SBA programs governing business management development and business services. Administers overall responsibility for implementation of management training programs under title IV of the Economic Opportunity Act. Maintains liaison with other Government agencies whose activities relate to the management assistance programs of SBA. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the goals and objectives established are met. Provides advice and guidance to the area and regional offices with respect to the management assistance programs of SBA.

(g) *Office of Business Development.* Formulates and recommends Agency policy governing the business development program of the Small Business Administration. Plans, directs, coordinates, and evaluates SBA programs governing industry liaison, industrial planning, and Government contracts. Develops policies and establishes procedures for the implementation of section 8(a) of the Small

Business Act, which authorizes SBA to enter into contracts with the U.S. Government and any department, agency, or office thereof having procurement powers, obligating the administration to furnish articles, equipment, supplies, and materials to the Government. Deals with industry in locating competent sources for the performance of such contracts and with Government in selecting items commensurate with the productive capabilities of available commercial sources. Negotiates and executes prime contracts and subcontracts. Provides for development of adequate controls to assure that contracts and subcontracts are performed as scheduled. Confers with top representatives of large corporations and smaller industrial concerns to stimulate their interest and participation in the business development program, promoting a coordinative SBA-industry effort in minority enterprise development within the manufacturing industry. Directs and actively participates in a continuous contact and referral program to enlist industry involvement in establishment of specific small business manufacturing firms owned and operated by minority and other members of disadvantaged groups. Obtains commitments for direct support with emphasis on management and technical assistance, particularly during the initial stages of a new business development. Advises industrial participants in the development of specific minority enterprise projects. Works with participating corporations in business identification and feasibility analysis, all aspects of business planning, including the financial structuring of the new enterprise, and in obtaining an initial production volume base, through SBA's section 8(a) Government contracting authority, if this is appropriate. Maintains continuous liaison with major program and staff office officials to ensure full coordination and support of program plans and activities. Participates with the Associate Administrator for Procurement and Management Assistance, in conjunction with Assistant Administrator for Minority Enterprise, in interagency meetings and negotiations concerning related programs.

§ 101.2-5 Assistant Administrator for Management.

Plans, directs, coordinates, and implements all personnel, organization and management, and administrative services management programs of the Small Business Administration. Directs, coordinates, and administers the Agency's investigatory, security, civil rights compliance, and emergency preparedness activities. Formulates and recommends policies and directs the establishment of standards and procedures to govern these programs and activities. Represents the Administrator in negotiations with the General Services Administration, Federal Bureau of Investigation, Civil Service Commission, and other agencies on matters relating to office programs and activities. Plans and directs the development of short-range and long-range goals and objectives. Evaluates and reports to the Administrator or the accom-

plishments in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Central and area offices. Directs the conduct of agencywide cost reduction and management improvement programs, including systems, procedural and manpower utilization surveys and studies. Serves as Civil Rights Coordinator of the SBA. Provides administrative support to the Office of the Administrator and to the Office of the Assistant Administrator (Comptroller).

(a) *Administrative Operations Staff.* Serves as administrative support for all staff functions under the jurisdiction of the Administrator and the Assistant Administrator (Comptroller) and staff offices under the jurisdiction of the Assistant Administrator for Management. Provides direct service and assistance to staff functions and operating offices on all personnel matters including recruitment, training, reassignments, related records, and control of personnel authorizations and ceilings. Maintains funds control on travel and other administrative expenses allotted for operations of the Office of Administrator, Assistant Administrator for Management, and Assistant Administrator (Comptroller). Provides services in connection with travel for staffs of these offices. Coordinates and serves as focal point for administrative service activities including space requirements, office services, local purchases, and related functions. Prepares and coordinates administrative reports required by the Administrator, Assistant Administrator for Management, or Assistant Administrator (Comptroller), for functional responsibilities assigned.

(b) *Office of Personnel.* Develops policies and establishes standards and procedures governing the personnel program throughout the Agency. Plans and conducts the Central Office personnel program including recruitment, selection, placement, classification, promotion, separation, pay and wage administration, training and career development, incentive awards, and safety. Provides technical guidance and assistance to Central and area offices regarding the interpretation and application of regulations and procedures pertaining to the personnel program. Reviews, processes, and controls all field office personnel actions requiring Central Office approval and reviews all personnel actions requiring the Administrator's concurrence or approval. Maintains liaison with the Civil Service Commission in matters relating to the development, interpretation, and application of personnel regulations and procedures. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the goals and objectives established are met. Plans and conducts inspections and evaluations of field office personnel management programs and operations. Plans, develops, and operates orientation programs for all new Central Office employees and key officials of the field. Co-

ordinates and administers the Central Office fund drives.

(c) *Office of Organization and Management.* Develops policy and establishes procedures or guidelines for the analysis and improvement of management, organization, systems, procedures, and methods within the Small Business Administration. Develops, plans, and conducts organizational and management or special project studies as requested by the Administrator or top management officials of SBA or other agencies. Proposes such studies which will improve the effectiveness of the Agency's activities or operations. Conducts followup studies or surveys of field office operations and procedures to insure the attainment of productivity standards. In addition, determines ways and means of simplifying operations, improving manpower utilization, and providing more effective work methods. Develops schedules, plans, and conducts manpower surveys and procedural analyses throughout the Agency. Plans, directs, coordinates, and administers the Cost Reduction and Management Improvement Programs of the Agency, including the Manpower Improvement Program. Directs the preparation of reports for submission to the Bureau of the Budget and congressional committees. Develops and maintains an organizational plan which describes the structure and functions of the organizational units and the geographical location and responsibilities of the field offices. Develops, prepares, and manages the delegation of authority systems for the Central and field offices. Plans, coordinates, and administers Agency functions under the emergency preparedness program. Develops, coordinates, and evaluates comprehensive directives and forms control systems for the Agency. Recommends policy and establishes guidelines for Agency communications. Coordinates public availability of SBA information and records under the "Freedom of Information" law.

(d) *Office of Administrative Services.* Develops policies and establishes standards and procedures governing administrative service operations throughout the Agency. Procures and controls equipment, supplies, and printing and conducts procurement negotiations for items and services required. Plans and provides for communications and related services. Plans and directs the SBA records management program including the maintenance of a central records system and service. Plans and directs the SBA's relocation activities relating to establishment and evaluation of relocation sites and communications network. Develops, directs, and controls the vital material program to assure protection of the Agency's vital records. Directs the Agency's central mail, messenger, reproduction, distribution, and graphic arts services. Plans, directs, and provides technical guidance to all offices on the utilization and acquisition of space. Operates a Central Office reproduction plant. Serves as liaison with other Federal and non-Federal agencies on matters relating to the functions of the

office. Directs and coordinates the Central Office reference library activities. Reviews, analyzes, and evaluates the performance of the office and field offices and takes appropriate action to implement improved methods of operation as they relate to administrative services. Formulates short-range and long-range administrative goals. Conducts and negotiates all administrative contracting functions of the Agency. Negotiates with the General Services Administration on acquisition and utilization of space.

(e) *Office of Security and Investigations.* Develops policies and establishes standards and procedures governing the security and investigations programs of the Agency. Plans, directs, coordinates, and executes the Agencywide security and investigations activities. Conducts investigations of or relating to: Violation or alleged violation of any criminal provision of Federal or State law, including the fraud provisions of the Small Business Act, by any applicant for or recipient of SBA assistance; activities of loan applicant representatives; violations by SBA recipients of title VI of the Civil Rights Act of 1964; compliance with size standard requirements; and other investigations as requested by the Administrator or other Agency officials. Directs and executes the personnel and physical security programs. Investigates allegations and charges against employees on such matters as misconduct, conflict of interest, bribery, and acceptance of gratuities. Conducts character investigations on officials of proposed small business investment companies, candidates for National and State Advisory Councils, SCORE candidates, and candidates for national awards given by the Agency. Maintains liaison with the Federal Bureau of Investigation, Civil Service Commission, other Federal agencies, and local enforcement authorities on all matters involving the programs and related activities for which responsible. Conducts joint investigations with other Government investigative agencies. Coordinates with Office of General Counsel on all matters requiring legal review and interpretation of investigative facts and findings. Assists that office in cases involving prosecution by the Department of Justice. Serves as an expert witness in support of any legal proceeding brought against an SBA recipient. Administers the execution of oaths and affirmations; takes evidence; and as authorized, requires the production of any books, papers, and documents which are relevant to inquiries or investigations. Renders advice and counsel to Central and field office officials on all matters pertaining to the programs and activities of the office. Directs the development of short-range and long-range objectives and program goals. Evaluates performance of personnel for which responsible and assures that goals and objectives established are met.

(f) *Office of Equal Opportunity.* Plans, directs, and coordinates the compliance program of the Small Business Administration in accordance with the applicable provisions of title VI of the Civil Rights Act. Develops and implements plans, procedures, and instructions designed to

assure that SBA's civil rights activities involving compliance and field reviews are carried out by the Central and field offices within their respective program activities. Provides advice and assistance to the area office personnel engaged in this program and Central Office officials responsible for implementing the program. Prepares and evaluates regular and special reports on compliance activities of the Agency and refers to the Office of Security and Investigations all complaints of discrimination or matters which indicate evidence of discrimination on the part of applicants, recipients, or subrecipients of SBA's assistance programs. Encourages an equal opportunity climate on an Agencywide basis through appropriate publications, conferences, and training sessions. Serves as liaison with other Federal and non-Federal agencies on matters relating to the civil rights compliance program. Encourages minority group knowledge and use of SBA programs. Reviews and evaluates the results of the equal opportunity program as carried out by the Central and field offices.

§ 101.2-6 Assistant Administrator for Congressional and Public Affairs.

Develops, coordinates, and directs the public information, congressional relations, and advisory councils programs of the Small Business Administration. Formulates and recommends policies and directs the establishment of agencywide standards and procedures to govern these programs and activities. Provides advice and assistance to the Administrator and other Central and field office officials on the public and congressional relations aspects of their functions and in the administration of the advisory councils programs. Develops sources of candidates for membership, screens candidates, and recommends to the Administrator the selection of members to serve on the advisory councils. Develops and prepares speeches for the Administrator and key officials of the Agency. Reviews and evaluates results of the public information, congressional relations, and advisory councils programs.

(a) *Office of Congressional Relations.* Serves as liaison with Members of Congress, congressional committees, commissions, organizations, and agencies dealing with legislative matters. Processes and coordinates with other SBA offices concerning oral inquiries and responses to Members of Congress or congressional committees and the Executive Office of the President. Obtains, assembles, prepares, and coordinates information and data requested by Members of Congress or congressional committees on the SBA programs, legislative proposals and other matters concerning the activities of the Agency. Keeps the Administrator and top officials of the Agency informed of the activities of congressional committees as they relate to the programs and activities of SBA. Interprets for Members of Congress the Agency's policies, programs, practices, and objectives. Works with other Federal agencies on matters of mutual interest.

(b) *Office of Public Information.* Prepares and issues news releases, state-

ments, and speeches for the Administrator and other top SBA officials, pamphlets, and other informational materials for public dissemination. Provides material for insertion in publications of other Government agencies. Responsible for final design and editing of Agency general publications (except Management Aids). Edits reports, statements, studies, or other informational materials as requested from operating offices. Plans and directs photographic activities in conjunction with presentation of SBA programs for news stories, articles, pamphlets, and conferences. Responsible for artwork in all publications (except Management Aids) and exhibits. Plans, organizes, and conducts Administrator's press conferences with representatives of newspapers, wire services, trade and business publications, and radio and television networks. Establishes and maintains liaison with newspapers, wire services, business press, trade associations, chambers of commerce, and similar groups. Promotes their involvement in informing the public as to Agency policies, programs, and objectives. Acts for the Agency in the development and preparation of public statements and special reports. Coordinates SBA participation in public meetings. Plans, organizes, and directs preparation of the Agency's Annual Report to the President and the Congress. Maintains a central facility in the Central Office for public access to Agency records and other material. Directs a program for providing adequate public informational materials to meet the needs at the local level to advance the programs and policies of the Agency. Provides material for SBA display at local exhibits. Plans, develops, and operates orientation programs for visitors to the Central Office.

(c) *Office of Advisory Councils.* Develops and recommends policies and procedures for the establishment and operation of the National Small Business Advisory Council and Regional Advisory Councils. Provides advice and assistance in the administration of the advisory councils programs. Develops sources of candidates for membership, screens candidates, and submits recommendations on the selection of members to serve on the advisory councils. Organizes, plans, and participates in the annual meeting of the National Advisory Council for the Small Business Administration. Participates in meetings of the Regional Advisory Councils and reviews agendas of meetings and proposed resolutions of the councils. Refers resolutions to interested Central Office officials for appropriate consideration and action. Notifies the chairman of the respective council of the Small Business Administration's position on the resolutions received. Reviews and consolidates resolutions adopted by the Regional Advisory Council for presentation to and consideration at the annual meeting of the National Advisory Council. Organizes, plans, and participates in the several meetings of the National Small Business Investment Company Advisory Council. Handles all details in preparing the summaries of those meetings. Processes reimbursement of

travel claims for all members of the National Advisory Council and the National SBIC Advisory Council. Publishes a monthly newsletter, covering the activities of the National and Regional Councils and the National SBIC Council, including the preparation of and organization of material on policy programs and securing and editing of items regarding activities by council members. Keeps Central Office officials informed of the activities of the councils as they relate to their functional areas of responsibility.

§ 101.2-7 Assistant Administrator for Planning, Research and Analysis.

Conducts planning studies and evaluations of the economic environment and relates the forecasted environment to the needs and problems of the small business community. Conducts economic and cost-benefit analyses and special studies of Agency activities to provide the Administrator with alternative courses of action in the decisionmaking process. Develops program memorandums in conformance with the program category structure of the Agency as required by the Bureau of the Budget under the planning-programming-budgeting system. Provides in-house research capability and identifies and formulates economic and industry research projects to be pursued under contract and monitors such contracts as are approved by the Administrator. Initiates, with the approval of the Administrator, and participates in interagency studies dealing with the critical aspects of the economy and public policy affecting small business. Initiates studies and develops procedures to provide a historical and current statistical description of the small business sector in order to provide, in a timely manner, data for policy and program formulation. Provides the Administrator and program managers with economic counsel on the problems of small business and the programs of the Agency. Serves as a member on the Program Advisory Council and the Size Appeals Board.

§ 101.2-8 Assistant Administrator for Minority Enterprise.

Plans, develops, coordinates, and administers the Minority Enterprise (ME) program of the Small Business Administration. Formulates and recommends policies and directs the establishment of Agencywide standards and procedures to govern ME programs and activities. Plans and directs the development of short-range and long-range goals and objectives. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Represents the Administrator at interagency meetings convened by the Secretary of Commerce for the purpose of coordinating programs and activities that affect or contribute to the growth of minority business enterprise. Serves in this capacity, in cooperation with Associate Administrator for Procurement and Management Assistance (PMA), at other interagency meetings and in negotiations with Government agencies

whose activities relate to the ME and Business Development programs. Provides information and assistance and otherwise participates with the Secretary of Commerce, when requested, in the development of national program objectives for minority business enterprise. Confers with top representatives of industry, trade associations, local governments, and community action groups to enlist their substantial participation and involvement in the SBA ME program. Promotes their cooperation in the development of minority enterprises and entrepreneurship in the disadvantaged areas. Negotiates basic agreements with industries for establishment of local outlets and franchises. Coordinates with and invites participation by Associate Administrator for PMA in meetings and conferences that include representatives of manufacturing industries or that relate to manufacturing enterprises. Encourages the establishment of and funds management and technical assistance projects and activities to furnish centralized services in the disadvantaged areas. Chairs the Ad Hoc ME Advisory Group, consisting of key representatives of the major program and staff offices of the Central Office. In cooperation with these officials formulates overall plans and procedures for provision of developmental and follow-on services vital to the viability of minority entrepreneurs. Serves as a member of the Program Advisory Council.

(a) *Office of Program Development and Supervision.* Develops overall Agency criteria and procedures for the Minority Enterprise (ME) program, in collaboration with ME staff and ME advisory group members. In cooperation with the Assistant Administrator (AA/ME) and Director, Office of Minority Industry Relations, establishes approved policies, criteria, and procedures governing agencywide program operations and activities. Develops requirements for submission of program, cost reduction, and manpower utilization reports, providing for data input to the SBA data bank. Maintains liaison with regional directors and advises area administrators concerning activities and performance of field personnel engaged in the ME program. Monitors the performance of such personnel to ensure compliance with program policies and procedures and understanding of program objectives. Assists regional directors in determining the competency and developing the potential of ME representatives in the field. Recommends for assistant administrator's approval selected candidates to serve as ME representatives. Advises the assistant administrator on all administrative and personnel matters. Assists the AA/ME in recruitment and training programs, in cooperation with Office of Personnel. Coordinates and prepares PPBS statements, statistics, and reports for submission by AA/ME to the Administrator and Assistant Administrator (Comptroller). In cooperation with the Work Measurement Division, Office of Reports, develops work measurement system for Central and field office staff.

Analyzes the workload and work measurement data submitted by ME staff and ME representatives. Maintains liaison with ME staff and advisory group members to assure program implementation and support on a coordinated basis. Serves as alternate for the AA/ME at interagency meetings and in negotiations with other agencies concerning related activities.

(b) *Office of Minority Industry Relations.* Formulates and recommends Agency policies governing the minority industry relations program. Plans, directs, coordinates, and evaluates the SBA program governing minority industry relations. Directs and promotes relations and effective liaison with industry, trade associations, local governments, and community action groups to stimulate their participation in the SBA ME program. Promotes involvement by such groups in developing and assisting minority enterprises and entrepreneurship in ghetto areas, particularly through: Establishment of local outlets and franchises, provision of management and technical expertise, management and technical assistance projects, and activities furnishing centralized services. Negotiates agreements with industries at the national level for management and other forms of support and assistance for minority owned and operated enterprises. Funds management and technical assistance projects and outreach activities designed to inform individuals in the disadvantaged areas of the programs and services available. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of personnel for which responsible and assures that the goals and objectives established are met. Develops criteria and procedures to be used by ME representatives in the field in carrying out at the local level all aspects of the program. Maintains liaison with other Federal agencies, such as OEO, Labor, HUD, HEW, for coordination of activities in specific target areas.

§ 101.2-9 Assistant Administrator (Comptroller).

Plans, directs, coordinates, and implements all budget and finance and data services programs and the reports system of the Small Business Administration. Directs the agencywide work measurement system. Plans, directs, and coordinates the Agency program planning system, integration of planning, programming, and budgeting activities, and the evaluation of program plans and activities. Provides for analytical services to permit objective evaluation of Agency goals in meeting the needs of the small business sector of the Nation. Establishes formal liaison with other agencies such as Economic Development Administration, Office of Economic Opportunity, and Department of Housing and Urban Development, for coordinating the compilation of data essential to joint studies of mutual benefit. Directs, coordinates, and administers the Agency's financial and management reporting and audit activities. Formulates and recommends policies and directs the

establishment of standards and procedures to govern these programs and activities. Represents the Administrator in negotiations with the Bureau of the Budget, congressional appropriation committees, General Accounting Office, Treasury Department, and other agencies on budgetary, accounting, and fiscal matters. Plans and directs the development of short-range and long-range goals and objectives. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Central and area offices.

(a) *Office of Budget and Finance.* Plans, directs, coordinates, and executes all budget, accounting, and fiscal activities of the Small Business Administration. Maintains liaison with the Bureau of the Budget, General Accounting Office, Treasury Department, staffs of congressional committees, and other Federal agencies on budgetary, accounting, and fiscal matters. Directs the development and administration of systems for the accountability of all funds, property, and other assets for which the Agency is responsible. Directs the establishment and implementation of procedures and control systems involving the collection, deposit, and disbursement of funds, including the preparation of financial information and data, and certain statistical data covering the operational programs of the Agency. Provides advice and assistance to the Central and area offices on all matters involving the budget, accounting, and fiscal activities. Directs the program planning system and insures the proper integration of planning, programming, and budgeting activities of the Agency. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the objectives and goals established are met.

(b) *Office of Data Management.* Develops and recommends Agency policy governing the provision and management of data processing, computer systems analysis, and management science services within the Small Business Administration. Coordinates with program and staff offices in the planning, development, and conduct of systems or feasibility studies of the application of Automatic Data Processing (ADP) techniques to the programs and operations of the Agency. Develops, implements, and maintains systems for collecting, compiling, and reporting information through the use of ADP. Maintains contact with all offices using ADP systems to coordinate activities for improving the effective utilization of ADP equipment. Plans for the acquisition, installation, and operation of data processing equipment and related peripheral equipment. Conducts computer feasibility studies and prepares supporting justification for procurement, operation, and application of computers and computer software for submission to the Bureau of the Budget and other ex-

ternal and internal authorities, as required. Maintains close cooperative contact with other Federal agencies and ADP equipment manufacturers on advanced technology for utilization, capacity, and maintenance of ADP systems and equipment. Coordinates the establishment of standards, schedules, and operational objectives for ADP utilization. Develops and applies management science, operations research, and statistical techniques in support of Agency program and staff office needs, and to support the SBA program planning and budgeting system. Develops and operates computerized economic and analytical information systems to support the PPBS system, program and staff office planning and evaluation activities, and to provide data for management science and statistical research projects. Develops computerized models for forecasting and resource allocation analyses as appropriate for Agency needs. Coordinates and fosters the interchange of data essential to joint studies of mutual interest with the Economic Development Administration, the Office of Economic Opportunity, the Department of Housing and Urban Development, and other Government agencies and private organizations. Evaluates the performance of the divisions for which responsible.

(c) *Office of Reports.* Recommends policy on, develops, establishes procedures for, and administers the SBA Management Information System. Maintains official SBA program statistics. Prepares or authenticates all replies to external requests for data, including inquiries from Congressmen, testimonies for hearings, and White House requests. Directs the SBA Reports Control System, keeping Agency reporting at an optimum level to provide all essential data for internal management use and external requirements. Plans, develops, and administers the SBA work measurement performance standards system. Provides periodic and special reports and analyses to the Administrator, associate administrators, and Agency managers on activity performance. Coordinates in the development of automated systems to gather and retrieve financial and management information.

(d) *Office of Audit.* Plans, directs, coordinates, and executes the agency-wide audit activities. Develops policies and establishes standards and procedures governing the audit program and related activities for which responsible. Schedules and maintains control over all audits conducted. Provides supervision over the auditors stationed in the field offices and instructs them in their activities. Conducts an internal audit program of SBA operations in accordance with accepted principles and standards of auditing, including the provisions of sections 111, 113, and 117 of the Public Law 784, 81st Congress, Budget and Accounting Act of 1950. Conducts special audits as requested by Central or field officials. Submits reports and recommendations covering all audits to appropriate officials for correction of deficiencies disclosed by the audits. Analyzes reports of corrective action taken on

reported deficiencies. Recommends to the Assistant Administrator (Comptroller) any matters which require further action by the officials concerned or the Administrator. Analyzes audit reports and recommendations submitted by auditors stationed in the field. Maintains liaison with the General Accounting Office and other agencies with respect to all audit activities pertaining to SBA. Serves as the focal point in coordinating GAO audit reports covering the Agency's operations and activities. Prepares replies and reports for submission to GAO on the position taken or actions required to correct audit deficiencies contained in the GAO reports. Confers with and maintains close working relations with the Office of Security and Investigations on all matters disclosed in the audits where it appears that investigative action is warranted as a result of possible fraud or violation of criminal statutes or regulations applicable to the operations of SBA. Renders advice and counsel to Central and field office officials on all matters pertaining to the programs and activities of the office. Formulates short-range and long-range audit goals and objectives. Evaluates performance of personnel for which responsible and assures that program goals and objectives established are met.

§ 101.3 Field offices.

(a) *Area office.* An SBA office, headed by an area administrator, responsible and accountable to the Administrator, SBA. Such an office is responsible for area planning and establishing goals and program objectives for the regional offices based on local conditions and economic trends affecting small business within the area. This office also is responsible for the administration and execution of operations involving certain specialized programs. Evaluates the accomplishments of the regional offices to determine their effectiveness and compliance with established goals and objectives.

(b) *Regional office.* An SBA office, headed by a regional director, responsible and accountable to an area administrator. Such an office is responsible for carrying out the Agency's program and administrative operations in a prescribed geographical area. Provides supervision, guidance, and assistance to branch offices under their jurisdiction in carrying out assigned program and administrative operations.

(c) *Branch office.* An SBA office, headed by a branch manager, responsible and accountable to a regional director. Such an office carries out the financial assistance program and, when assigned, additional SBA programs and related administrative functions within a specific portion of the geographical area of its parent regional office. Such offices also include temporary facilities established to deal with a catastrophe or disaster, or a special lending operation.

§ 101.3-1 Listing of Field offices.

(a) *Northeastern Area.* Area Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203, having jurisdiction over the following regional offices:

(1) 40 Western Avenue, Augusta, Maine 04330. Serving Maine.

(2) John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203. Serving Massachusetts.

(3) 55 Pleasant Street, Concord, N.H. 03301. Serving New Hampshire.

(4) 450 Main Street, Hartford, Conn. 06103. Serving Connecticut.

(5) 87 State Street, Montpelier, Vt. 05601. Serving Vermont.

(6) 57 Eddy Street, Providence, R.I. 02903. Serving Rhode Island.

(b) *New York Area.* Area Office, 26 Federal Plaza, New York, N.Y. 10007, having jurisdiction over the following regional and branch offices:

(1) 970 Broad Street, Newark, N.J. 07102. Serving New Jersey.

(2) 26 Federal Plaza, New York, N.Y. 10007. Serving New York counties of Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, and Westchester.

(3) 91 State Street, Albany, N.Y. 12207.¹ Serving New York counties of Albany, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, and Washington.

(4) Hunter Plaza, Fayette and Salina Streets, Syracuse, N.Y. 13202. Serving New York counties of Broome, Cayuga, Chemung, Chenango, Clinton, Cortland, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Oneida, Onondaga, Ontario, Oswego, Otsego, Schuyler, Seneca, St. Lawrence, Steuben, Tioga, Tompkins, Wayne, and Yates.

(5) 121 Ellicott Street, Buffalo, N.Y. 14203.² Serving New York counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming.

(6) Post Office Box 1915, 255 Ponce de Leon Avenue, Hato Rey, P.R. 00919. Serving the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

(c) *Middle Atlantic Area.* Area Office, 1 Decker Square, East Lobby, Bala Cynwyd, Pa. 19004, having jurisdiction over the following regional and branch offices:

(1) 31 Hopkins Plaza, Baltimore, Md. 21202. Serving Maryland, except the counties of Montgomery and Prince Georges.

(2) 119 North Third Street, Clarksburg, W. Va. 26301. Serving West Virginia counties of Barbour, Berkeley, Brooke, Doddridge, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, and Wood.

(3) 500 Quarrier Street, Charleston, W. Va.² 25301. Serving West Virginia

counties of Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, Wirt, and Wyoming.

(4) 1240 East Ninth Street, Cleveland, Ohio 44199. Serving Ohio counties of Allen, Ashland, Ashtabula, Auglaize, Columbiana, Crawford, Cuyahoga, Deftance, Erie, Geauga, Hancock, Hardin, Henry, Holmes, Huron, Lake, Lorain, Mahoning, Morrow, Marion, Medina, Mercer, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Van Wert, Wayne, Wood, and Wyandot.

(5) 234 Summit Street, Toledo, Ohio 43602.² Serving Ohio counties of Fulton, Lucas, and Williams.

(6) 50 West Gay Street, Columbus, Ohio 43215. Serving Ohio counties of Adams, Athens, Belmont, Brown, Carroll, Champaign, Clark, Clinton, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Harrison, Highland, Hocking, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Meigs, Miami, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Tuscarawas, Union, Vinton, and Washington.

(7) 5026 Federal Building, Cincinnati, Ohio 45202.² Serving Ohio counties of Butler, Clermont, Hamilton, and Warren.

(8) 600 Federal Place, Louisville, Ky. 40202. Serving Kentucky.

(9) 1317 Filbert Street, Philadelphia, Pa. 19107. Serving Pennsylvania counties of Adams, Berks, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Union, Wayne, Wyoming, Tioga, and York.

(10) 6th and King Streets, Wilmington, Del. 19801.² Serving Delaware.

(11) 1000 Liberty Avenue, Pittsburgh, Pa. 15222. Serving Pennsylvania counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.

(12) 400 North Eighth Street, Richmond, Va. 23240. Serving Virginia, except the counties of Arlington, Fairfax, and Loudoun.

(13) 1405 I Street, NW., Washington, D.C. 20417. Serving the District of Columbia; Maryland counties of Montgomery and Prince Georges; and Virginia counties of Arlington, Fairfax, and Loudoun.

(d) *Southeastern Area.* Area Office, 1401 Peachtree Street, NE., Atlanta, Ga. 30309, having jurisdiction over the following regional and branch offices:

(1) 100 Edgewood Avenue, NE., Atlanta, Ga. 30303. Serving Georgia.

(2) 908 South 20th Street, Birmingham, Ala. 35205. Serving Alabama.

(3) 222 South Church Street, Charlotte, N.C. 28202. Serving North Carolina.

(4) 1801 Assembly Street, Columbia, S.C. 29201. Serving South Carolina.

(5) Post Office Box 2351, 245 East Capitol Street, Jackson, Miss. 39205. Serving Mississippi.

(6) 400 West Bay Street, Jacksonville, Fla. 32202. Serving Florida counties of Alachua, Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Putnam, Santa Rosa, St. Johns, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington.

(7) 500 Union Street, Nashville, Tenn. 37219. Serving Tennessee counties of Bedford, Benton, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Davidson, Decatur, De Kalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hamilton, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McNairy, Macon, Madison, Marion, Marshall, Maury, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, and Wilson.

(8) 502 Gay Street, Knoxville, Tenn. 37902.² Serving Tennessee counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Unicoi, Union, and Washington.

(9) 51 Southwest First Avenue, Miami, Fla. 33130. Serving Florida counties of Brevard, Broward, Charlotte, Collier, Dade, De Soto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Lucie, Sarasota, and Florida Keys.

(10) 500 Zack Street, Tampa, Fla. 33602.¹ Serving Florida counties of Hillsborough, Pinellas, Polk, and Pasco.

(e) *Midwestern Area.* Area Office, 219 South Dearborn Street, Chicago, Ill. 60604, having jurisdiction over the following regional and branch offices:

(1) 219 South Dearborn Street, Chicago, Ill. 60604. Serving Illinois counties of Boone, Bureau, Carroll, Cass, Champaign, Christian, Clark, Coles, Cook, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Morgan, Moultrie, Ogle, Peoria,

¹ Denotes post-of-duty station under regional office.

² Denotes branch office under regional office.

Platt, Putnam, Rock Island, Sangamon, Schuyler, Shelby, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford.

(2) 210 Walnut Street, Des Moines, Iowa 50309. Serving Iowa.

(3) 1249 Washington Boulevard, Detroit, Mich. 48226. Serving the Lower Peninsula of Michigan, except the counties of Alpena, Antrim, Charlevoix, Cheboygan, Emmet, Montmorency, Otsego, and Presque Isle.

(4) 502 West Kay Avenue, Marquette, Mich. 49855. Serving Michigan in the Upper Peninsula and the Northern Lower Peninsula counties of: Upper Peninsula, Alger, Baraga, Chippawa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonago, and Schoolcraft; Northern Lower Peninsula, Alpena, Antrim, Charlevoix, Cheboygan, Emmet, Montmorency, Otsego, and Presque Isle.

(5) 36 South Pennsylvania Street, Indianapolis, Ind. 46204. Serving Indiana.

(6) 911 Walnut Street, Kansas City, Mo. 64106. Serving the following counties in Missouri and Kansas: Kansas, Allen, Anderson, Atchison, Bourbon, Brown, Cherokee, Coffey, Crawford, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Labette, Leavenworth, Linn, Marshall, Miami, Montgomery, Nemaha, Neosho, Osage, Pottawatomie, Shawnee, Wilson, Woodson, and Wyandotte; Missouri, Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, Macon, McDonald, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Ozark, Pettis, Platte, Polk, Pulaske, Putnam, Randolph, Ray, Saint Clair, Saline, Schuyler, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth, and Wright.

(7) 25 West Main Street, Madison, Wis. 53703. Serving Wisconsin counties of Adams, Brown, Calumet, Clark, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kewaunee, La Crosse, Lafayette, Langlade, Manitowoc, Marathon, Marinette, Marquette, Menominee, Monroe, Oconto, Outagamie, Portage, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Waupaca, Waushara, Winnebago, and Wood.

(8) 238 West Wisconsin Avenue, Milwaukee, Wis. 53203. Serving Wisconsin counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha.

(9) 816 Second Avenue, South, Minneapolis, Minn. 55402. Serving Minnesota and Wisconsin counties of Ashland,

Barron, Bayfield, Buffalo, Burnette, Chippewa, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Vilas, and Washburn.

(10) 208 North Broadway, St. Louis, Mo. 63102. Serving the following counties in Illinois and Missouri: Illinois, Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, and Williamson; Missouri, Audrain, Bollinger, Butler, Callaway, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne.

(f) *Southwestern Area.* Area Office, 1309 Main Street, Dallas, Tex. 75202, having jurisdiction over the following regional offices:

(1) 500 Gold Avenue SW., Albuquerque, N. Mex. 87101. Serving New Mexico.

(2) 411 North Akard Street, Dallas, Tex. 75201. Serving Texas counties of Anderson, Archer, Baylor, Bell, Bosque, Brown, Burnet, Callahan, Clay, Coleman, Collin, Comanche, Concho, Cooke, Coryell, Dallas, Delta, Denton, Eastland, Ellis, Erath, Falls, Fannin, Freestone, Grayson, Hamilton, Henderson, Hill, Hood, Hopkins, Hunt, Jack, Johnson, Kaufman, Lamar, Lampasas, Limestone, Llano, Mason, McCulloch, McLenna, Menard, Mills, Montague, Navarro, Palo Pinto, Parker, Rains, Rockwall, San Saba, Shackelford, Somervell, Stephens, Tarrant, Throckmorton, Van Zandt, Wichita, Wilbarger, Williamson, Wise, and Young.

(3) 808 Travis Street, Houston, Tex. 77002. Serving Texas counties of Angelina, Austin, Bastrop, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Trinity, Tyler, Waller, Walker, Washington, and Wharton.

(4) 600 West Capitol Avenue, Little Rock, Ark. 72201. Serving Arkansas, except Columbia, Lafayette, and Miller counties.

(5) 1616 19th Street, Lubbock, Tex. 79401. Serving Texas counties of Andrews, Armstrong, Bailey, Borden, Brewster, Briscoe, Carson, Castro, Childress, Cochran, Coke, Collingsworth, Cottle, Crane, Crockett, Crosby, Culbertson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, El Paso, Fisher,

Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kent, King, Knox, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Runnels, Schleicher, Scurry, Sherman, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Tom Green, Upton, Ward, Wheeler, Winkler, and Yoakum.

(6) 505 East Travis Street, Marshall, Tex. 75670. Serving the following Arkansas and Texas counties and Louisiana parishes: Arkansas, Columbia, Lafayette, and Miller; Louisiana, Bienville, Bossier, Caddo, Claiborne, De Soto, Red River, and Webster; Texas, Bowie, Camp, Cass, Cherokee, Franklin, Gregg, Harrison, Marion, Morris, Nacogdoches, Panola, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, and Wood.

(7) 124 Camp Street, New Orleans, La. 70130. Serving Louisiana, except Bienville, Bossier, Caddo, Claiborne, De Soto, Red River, and Webster parishes.

(8) 30 North Hudson Street, Oklahoma City, Okla. 73102. Serving Oklahoma.

(9) 301 Broadway, San Antonio, Tex. 78205. Serving Texas counties of Aransas, Atascosa, Bandera, Bee, Bexar, Blanco, Caldwell, Calhoun, Comal, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Jim Wells, Karnes, Kendall, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Maverick, McMullen, Medina, Nueces, Real, Refugio, San Patricio, Travis, Uvalde, Val Verde, Victoria, Webb, Wilson, and Zavala.

(10) 219 East Jackson Street, Harlingen, Tex. 78550. Serving Texas counties of Brooks, Cameron, Hidalgo, Jim Hogg, Kenedy, Starr, Willacy, and Zapata.

(g) *Rocky Mountain Area.* Area Office, 721 19th Street, Denver, Colo. 80202, having jurisdiction over the following regional offices:

(1) 300 North Center, Casper, Wyo. 82601. Serving Wyoming.

(2) 1961 Stout Street, Denver, Colo. 80202. Serving Colorado.

(3) 207 North Fifth Street, Fargo, N. Dak. 58102. Serving North Dakota.

(4) 205 Power Block, Corner Main and Sixth Avenue, Helena, Mont. 59601. Serving Montana.

(5) 215 North 17th Street, Omaha, Nebr. 68102. Serving Nebraska.

(6) 125 State Street, Salt Lake City, Utah 84111. Serving Utah.

(7) Eighth and Main Avenue, 402 National Bank of South Dakota Building, Sioux Falls, S. Dak. 57102. Serving South Dakota.

(8) 120 South Market Street, Wichita, Kans. 67202. Serving Kansas counties of Barber, Barton, Butler, Chase, Chautauqua, Cheyenne, Clark, Clay, Cloud, Comanche, Cowley, Decatur, Dickinson, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Geary, Gove, Graham, Grant,

*Denotes branch office under regional office.

Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Haskell, Hogeman, Jewell, Kearny, Kingman, Kiowa, Lane, Lincoln, Logan, Lyon, McPherson, Marion, Meade, Mitchell, Morris, Morton, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, and Wichita.

(h) Pacific Coastal Area. Area Office, 450 Golden Gate Avenue, San Francisco, Calif. 94102, having jurisdiction over the following regional and branch offices:

(1) 632 Sixth Avenue, Anchorage, Alaska 99501. Serving Alaska election districts of Ketchikan-Prince of Wales, Wrangell-Petersburg, Sitka, Juneau, Yakutat, Cordova-Valdez, Palmer, Anchorage, Seward, Kenai, Kodiak, Aleutian Islands, Bristol Bay, Bethel, Nome, and Wade Hampton.

(2) 510 Second Avenue, Fairbanks, Alaska 99701.² Serving Alaska election districts of Barrow-Kobuk, Fairbanks-Yukon, and Yukon-Kuskokwim.

(3) 216 North Eighth Street, Boise, Idaho 83702. Serving Idaho, except Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties. Serving the Oregon counties of Baker, Grant, Harney, Malheur, Union, and Walla.

(4) 1149 Bethel Street, Honolulu, Hawaii 96813. Serving Hawaii and American Samoa.

(5) Ada Plaza Center Building, Post Office Box 927, Agaña, Guam 96910.² Serving Guam.

(6) 849 South Broadway, Los Angeles, Calif. 90014. Serving California counties of Kern (E. Pt.), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, and Ventura.

(7) 300 Las Vegas Boulevard South, Las Vegas, Nev. 89101. Serving Nevada and the California county of Inyo.

(8) 2727 North Central Avenue, Phoenix, Ariz. 85004. Serving Arizona.

(9) 155 East Alameda, Tucson, Ariz. 85701.² Serving the Arizona counties of Pima, Santa Cruz, and Cochise.

(10) 921 Southwest Washington Street, Portland, Ore. 97205. Serving Oregon, except Baker, Grant, Harney, Malheur, Union, and Walla Counties; serving the Washington Counties of Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum.

(11) 110 West C Street, San Diego, Calif. 92101. Serving California counties of Imperial and San Diego.

(12) 450 Golden Gate Avenue, San Francisco, Calif. 94102. Serving California, except the counties of Imperial, Inyo, Kern (E. Pt.), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, San Luis Obispo, and Ventura.

(13) 1130 O Street, Fresno, Calif. 93721.² Serving California counties of Fresno, Kern (W. Pt.), Kings, Madera, Merced, and Tulare.

¹ Denotes post-of-duty station under regional office.

² Denotes branch office under regional office.

(14) 651 U.S. Courthouse, Post Office Box 2167, Spokane, Wash. 99210. Serving the following Washington and Idaho counties: Washington. Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman; Idaho. Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

(15) 506 Second Avenue, Seattle, Wash. 98104. Serving Washington counties of Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima.

Effective date: September 15, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-11861; Filed, Oct. 3, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-EA-116; Amdt. 39-856]

PART 39—AIRWORTHINESS DIRECTIVES

Davis Aircraft Products

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend Airworthiness Directive 64-10-3 which is applicable to safety belts manufactured by Davis Aircraft Products.

Subsequent to the publication of Airworthiness Directive 64-10-3 the manufacturer changed the specifications for the ends of the coil spring P/N FD-3007. The AD must therefore be amended to insert the new specification which has been requested by the manufacturer.

Since the amendment is minor in nature and imposes no additional burden on any person, notice and public procedure are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), Airworthiness Directive 64-10-3 is amended as follows:

Delete the figures " $\frac{1}{32} \pm \frac{1}{32}$ " as they appear in subparagraph (b) (1) and insert in lieu thereof " $\frac{1}{32} \pm 0.001$ ".

This amendment is effective October 8, 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 Jamaica, N.Y., on September 24, 1969.

MARTIN J. WHITE,
Acting Director, Eastern Region.

[F.R. Doc. 69-11897; Filed, Oct. 3, 1969; 8:48 a.m.]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

On page 12048 of the FEDERAL REGISTER for July 17, 1969, the Federal Aviation Administration published a proposed airworthiness directive which would require alteration of the door locking mechanism on F-27 and FH-227 type airplanes.

Interested parties were given 30 days in which to comment. ATA commented that the period of compliance was too short in view of a parts delivery problem and recommended an increase in the compliance time to 200 hours. However, agency information indicates that with the present effective date of November 3, 1969, and a compliance time of 100 hours, air carriers will actually have until November to comply by which time the parts problem will be eliminated. The airworthiness directive will require a minor change to reflect an updating of the applicable service bulletin which updating constitutes a clerical change.

In view of the foregoing, the proposed regulations are hereby adopted except as follows:

Insert the phrase "Revision 1" prior to the words "Fairchild Hiller" where they appear after the compliance paragraph of the AD and delete the dates "February 10, 1969" and "May 26, 1966" where they appear and insert in lieu thereof "June 17, 1969".

This amendment effective November 3, 1969.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 22, 1969.

GEORGE M. GARY,
Director, Eastern Region.

FAIRCHILD HILLER. Applies to F-27 and FH-227 type airplanes certificated in all categories and incorporating rear passenger door spindle, P/N 27-313006-3, -5, -7, or -9.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To provide a more positive retention of the passenger door locking mechanism accomplish the following:

(a) For F-27 type airplanes with spindle, P/N 27-313006-3, installed in the door lock mechanism, comply with section D(1) through D(8) of Revision 1 of Fairchild Hiller Service Bulletin No. F-27-52-27, dated June 17, 1969. In place of set "D(5)", rig the door mechanism in accordance with Fairchild Hiller Service Bulletin No. F-27-52-19, dated June 17, 1969.

(b) For F-27 type airplanes with spindle, P/N 27-313006-5, 27-313006-7, 27-313006-9, installed in the door lock mechanism, comply with section E(1) through E(8) of Revision 1 of Fairchild Hiller Service Bulletin No. F-27-52-27, dated June 17, 1969. Rig the door mechanism in accordance with Fairchild Hiller Service Bulletin No. F-27-52-19, dated June 17, 1969.

(c) For FH-227 type airplanes with spindle, P/N 27-313006-5, 27-313006-7, or 27-313006-9, installed in the door lock mechanism, comply with the "Accomplishment Instructions" or Fairchild Hiller Service

Bulletin No. PH-227-52-13, dated June 17, 1969.

(d) An equivalent alteration approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may be used in lieu of the foregoing methods.

(e) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

[F.R. Doc. 69-11898; Filed, Oct. 3, 1969; 8:48 a.m.]

[Docket No. 69-EA-112; Amdt. 39-855]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to revoke AD 69-6-2 and issue a new Airworthiness Directive expanding the area of inspection on General Electric type CJ-610, J85 and CF700 aircraft engines.

A report of a failure of the first stage turbine disc of a General Electric J85 military engine resulted in the publishing of AD 69-6-2. Subsequently, however, cracks found in second stage discs established the need to expand the extent of the required inspection as well as including the second stage discs. Since these deficiencies can exist in other aircraft engines of the same type design, a new airworthiness directive is being issued.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

1. Revoke Airworthiness Directive 69-6-2.
2. Add the following new Airworthiness Directive:

GENERAL ELECTRIC. Applies to Models CJ610-1, -4, -5, -6 and J85-GE-17B Turbojet and CF700-2C Turbofan Engines.

Compliance required as indicated.

1. Unless already accomplished, inspect first and second stage turbine discs as follows:

a. Inspect in accordance with the following schedule first stage turbine discs P/N 634E583P4 and 841B690P6 for cracks and a minimum radius of 0.015 inch in the forward rabbet radius, and for cracks and a minimum radius of 0.020 inches in the aft rabbet radius. Use the procedures outlined in General Electric Alert Service Bulletin No. (CJ610) A72-70 or (CF700) A72-70 or later FAA approved revision or equivalent inspection approved by the Chief, Engineering and Manufacturing Branch, Eastern Region, Federal Aviation Administration.

(1) Inspect turbine discs with 2,800 or more cycles on the effective date of this AD within the next 10 cycles.

(2) Inspect turbine discs with 2,201 or more cycles on the effective date of this AD

within the next 100 cycles or at 2,810 cycles whichever occurs first.

(3) Inspect turbine discs with 2,200 or less cycles on the effective date of this AD at first overhaul or at 2,300 cycles whichever occurs first.

b. Inspect in accordance with the schedule of paragraphs 1.a. (1), (2), and (3) of this AD second stage turbine discs P/N 646C596P1 for cracks and a minimum radius of 0.020 inches in the forward rabbet radius. Use the procedures outlined in General Electric Alert Service Bulletin No. (CJ610) A72-80 or (CF700) A72-80 or later FAA-approved revision or equivalent inspection approved by the Chief, Engineering and Manufacturing Branch, Eastern Region, Federal Aviation Administration.

2. For the purposes of this AD, a cycle is defined as that set forth in the subject Alert Service Bulletin.

3. Discs with less than the specified radius or which exhibit the specified point type fluorescent indications or cracks are to be replaced with like parts which meet the specified minima for radii and the criteria for size and location of point type fluorescent indications and cracks.

This amendment supersedes AD 69-6-2. This amendment is effective October 8, 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 24, 1969.

MARTIN J. WHITE,
Acting Director, Eastern Region.

[F.R. Doc. 69-11899; Filed, Oct. 3, 1969; 8:48 a.m.]

[Docket No. 9467; Amdt. 39-858]

PART 39—AIRWORTHINESS DIRECTIVES

Godfrey Cabin Superchargers Type 15, Marks 6, 9, and 14

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring replacement of the banjo adapter on certain Godfrey Cabin Superchargers was published in 34 F.R. 5110.

Interested persons have been afforded an opportunity to participate in the making of the amendment. As a result of comments received subsequent to the issuance of the NPRM, additional means of compliance have been developed by the manufacturer which are incorporated into the final AD as an alternative means of compliance. Moreover, the FAA has subsequently determined that the Godfrey Cabin Superchargers Type 15, Marks 6, 9, and 14 are not used in STC's SA1054WE or SA1096WE, and Convair Models 240, 340, and 440 airplanes have, therefore, been deleted from the applicability provision of the AD.

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

GODFREY. Applies to Godfrey Cabin Superchargers Type 15, Marks 6, 9, and 14, installed on, but necessarily limited to British Aircraft Corp., Viscount Models 744, 745D, and 810; Armstrong Whit-

worth Argosy AW-650; Pokker F-27, Marks 100 and 300; Fairchild Hiller F-27 and FH-227 all series; Grumman Model G-159 and Nihon YS-11 all series airplanes.

Compliance required as indicated.

To prevent loss of oil from Godfrey cabin compressor due to distortion of the banjo adapter in the oil filter assembly, accomplish the following, unless already accomplished:

(a) For British Aircraft Corp. Viscount Models 744, 745D, and 810 airplanes, at the next overhaul of the Supercharger or within the next 750 hours' time in service, whichever occurs first, after the effective date of this AD, comply with either paragraph (d) or (e) of this AD.

(b) For Armstrong Whitworth Argosy AW-650, Grumman Model G-159, and Nihon YS-11 series airplanes, at the next 1,500 hours' time in service, whichever occurs first, after the effective date of this AD, comply with either paragraph (d) or (e) of this AD.

(c) For Fokker Model F-27, Mark 100 and 300 series airplanes and Fairchild Hiller Models F-27 and FH-227 series airplanes at the next 1,500 hours' time in service, whichever occurs first, after the effective date of this AD, comply with either paragraph (d) or (f) of this AD.

(d) Replace Godfrey banjo adapter, P/N V8653, with Godfrey banjo adapter, P/N 139313, in accordance with Godfrey Precision Products, Ltd., Service Bulletin Nos. 21-120, dated July 1968 or later ARB-approved issue or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East.

(e) Replace the Godfrey oil feeder pipe, P/N V9249, and banjo adapter, P/N 8653, with a Godfrey oil feeder pipe, P/N 139328, and banjo adapter, P/N 139322, in accordance with Godfrey Precision Products Ltd., Service Bulletin No. 21-121, dated April 5, 1968, or later ARB-approved issue or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East.

(f) Replace the Godfrey oil feeder pipe, P/N V9979, and banjo adapter, P/N V8653, with a Godfrey oil feeder pipe, P/N 139330, and banjo adapter, P/N 139322, in accordance with Godfrey Precision Products, Ltd., Service Bulletin No. 21-129, Revision 1, dated October 9, 1968 or later ARB-approved issue or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East.

This amendment becomes effective October 9, 1969.

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

Issued in Washington, D.C., on September 26, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-11900; Filed, Oct. 3, 1969; 8:48 a.m.]

[Airspace Docket 69-EA-113]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Calverton, N.Y. (34 F.R. 4567) control zone.

The hours of operation of the Peconic River Tower, Peconic River Airport, Calverton, N.Y., are now 0800-1630 hours, local time, Monday through Friday. The weather observation and reporting requirements to support the control zone are available only during the times the Peconic River Tower is operating. Therefore we will require alteration of the Calverton, N.Y., control zone to reflect the change in these hours.

Since the foregoing change in hours is less restrictive, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, § 71.171 of Part 71 of the Federal Aviation Regulations is amended by deleting in the description of the Calverton, N.Y., control zone, the last sentence and substitute the following in lieu thereof: "This Control Zone is effective from 0800 to 1630 hours, local time, Monday through Friday".

Effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on September 19, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[P.R. Doc. 69-11901; Filed, Oct. 3, 1969; 8:48 a.m.]

[Airspace Docket 69-EA-117]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the New Haven, Conn., control zone (34 F.R. 4608, 11415).

The present control zone had been suspended until December 1, 1969 because of the lack of weather reporting facilities. However, the weather reporting information has become available which will permit the reactivation of the control zone.

Since the amendment will reimpose a rule which had been temporarily suspended, notice and public procedure hereon are unnecessary and the amendment made effective in less than 30 days.

In view of the foregoing, the proposed regulation is hereby adopted effective 1100 G.m.t., October 1, 1969, as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the New Haven control zone, "This control zone is effective" and all thereafter and insert the following in lieu thereof, "This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established by a Notice to Airmen which thereafter

will be continuously published in the Airman's Information Manual".

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on September 25, 1969.

MARTIN J. WHITE,
Acting Director, Eastern Region.

[P.R. Doc. 69-11902; Filed, Oct. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-57]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Abilene, Tex., terminal area.

The Dyess AFB TACAN will be decommissioned 0001 G.m.t., October 21, 1969; therefore, it is necessary to amend the Abilene, Tex. (Dyess AFB), control zone by revoking the controlled airspace which was based on the Dyess TACAN.

Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 G.m.t., October 21, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Abilene, Tex. (Dyess AFB), control zone is amended in part by deleting " * * * within 2 miles each side of the Dyess TACAN 353° radial, extending from the 5-mile radius zone to 7.5 miles north of the TACAN; within 2 miles each side of the Dyess TACAN 165° radial, extending from the 5-mile radius zone to 6 miles south of the TACAN; * * * "

(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 26, 1969.

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

[P.R. Doc. 69-11903; Filed, Oct. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 69-EA-101]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Worcester, Mass., 700-foot transition area (34 F.R. 4788).

Cancellation of the ILS 33 and ADF 1 instrument approach procedures for Worcester Municipal Airport, Worcester, Mass., requires alteration of the Worcester, Mass. 700-foot floor transition area to delete the southeast transition

area extension which is no longer required.

Since this amendment is less restrictive and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, the Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Worcester, Mass., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Worcester, Mass. transition area the words "within 2 miles each side" and all thereafter.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on September 23, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[P.R. Doc. 69-11904; Filed, Oct. 3, 1969; 8:48 a.m.]

[Airspace Docket No. 69-EA-106]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Lewisburg, W. Va., 700-foot transition area (34 F.R. 9853).

The NDB (ADF) Runway 4 instrument approach procedure for Greenbrier Valley Airport, Lewisburg, W. Va. has been canceled. The 700-foot floor transition area extension based on a 208° bearing from the radio beacon will no longer be required. This will require a minor alteration of the Lewisburg, W. Va., transition area.

Since this amendment is less restrictive and imposes no additional burden on any person, notice and public procedure are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, § 71.181 of Part 71 of the Federal Aviation Regulations is amended by deleting in the description at the Lewisburg, W. Va. transition area the phrase "and within 2 miles each side of a 208° bearing" and all thereafter. The proposed regulation is hereby adopted effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on September 23, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[P.R. Doc. 69-11905; Filed, Oct. 3, 1969; 8:49 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 121—FOOD ADDITIVES

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

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2416) filed by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y. 10591, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of glyceryl polyoxypropylene triol (average molecular weight 1,000) as a component of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of substances a new item as follows:

§ 121.2520 Adhesives.

COMPONENTS OF ADHESIVES	
Substances	Limitations
<p>.....</p> <p>(c) * * *</p> <p>(5) * * *</p> <p>Glyceryl polyoxypropylene triol (average molecular weight 1,000)</p> <p>.....</p>	<p>.....</p>

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 26, 1969.

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

[F.R. Doc. 69-11846; Filed, Oct. 3, 1969;
8:45 a.m.]

PART 121—FOOD ADDITIVES

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

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP OB2447) filed by General Mills, Inc., 2010 East Hennepin Avenue, Minneapolis, Minn. 55413, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of a polyamide derived from dimerized vegetable oil acids and hexamethylenediamine as a food-packaging adhesive. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting under the item "Polyamides derived from * * *" a new subitem, as follows:

§ 121.2520 Adhesives.

COMPONENTS OF ADHESIVES	
Substances	Limitations
<p>.....</p> <p>(c) * * *</p> <p>(5) * * *</p> <p>Polyamides derived from dimerized vegetable oil acids and the following amines:</p> <p>.....</p> <p>Hexamethylenediamine...</p> <p>.....</p>	<p>.....</p>

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 29, 1969.

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

[F.R. Doc. 69-11847; Filed, Oct. 3, 1969;
8:45 a.m.]

PART 121—FOOD ADDITIVES

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

EMULSIFIERS AND/OR SURFACE-ACTING AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2350) filed by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y. 10591, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of additional substances, as set forth below, as emulsifiers and/or surface-acting agents in the manufacture of articles for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2541(c) is amended by alphabetically inserting in the list of substances a new item as follows:

§ 121.2541 Emulsifiers and/or surface-active agents.

(c) List of substances:	
Substances	Limitations
<p>.....</p> <p>α-Alkyl-omega-hydroxypoly(oxyethylene) produced by condensation of 1 mole of C₁₂H₂₅ straight-chain randomly substituted secondary alcohols with an average of 7-20 moles of ethylene oxide.</p> <p>.....</p>	<p>.....</p>

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 26, 1969.

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

[F.R. Doc. 69-11848; Filed, Oct. 3, 1969;
8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 781—THE FAIR LABOR STANDARDS ACT AS APPLIED TO ESTABLISHMENTS ENGAGED IN LAUNDRYING, CLEANING, OR REPAIRING CLOTHING OR FABRICS UNDER SECTION 13(a)(3) OF THE ACT

Deletion

Part 781 of Title 29 of the Code of Federal Regulations is hereby deleted. The part interpreted former section 13(a)(3) providing an exemption from the minimum wage and overtime requirements of the Act for laundries and dry cleaning establishments. The section was repealed by section 202 of the 1966 amendments to the Fair Labor Standards Act (80 Stat. 833).

Signed at Washington, D.C., this 29th day of September 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour
and Public Contract Divisions.

[F.R. Doc. 69-11891; Filed, Oct. 3, 1969;
8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8-7—CONTRACT CLAUSES

PART 8-75—DELEGATIONS OF AUTHORITY

Miscellaneous Amendments

Chapter 8 is amended as follows:

1. Sections 8-7.602 and 8-7.602-1 are revoked.

§ 8-7.602 Additional standard clauses.
[Revoked]

§ 8-7.602-1 Price adjustment for suspension, delay, or interruption of the work. [Revoked]

2. In § 8-7.650-14, paragraph (a) (5) is added to the clause to read as follows:

§ 8-7.650-14 Payments to contractors.
Clause 7, General Provisions SF 23A is amended to include the following:

(a) * * *

(5) The cost schedule shall include separate cost information for the systems listed

below. The percentages listed below are proportions of the cost listed in Contractor's cost schedule and identify, for payment purposes, the value of the work to adjust, correct and test systems after the material has been installed. Funds retained as contract work progresses will at all times be sufficient to cover the value of the work of adjusting, correcting and testing the systems listed below. Payment of the listed percentages will be made only after the contractor has demonstrated that each of the systems is substantially complete and operates as required by the contract.

System	Value of adjusting, correcting, and testing system (Percent)
Pneumatic tube system	10
Incinerators (medical waste and trash)	5
Sewage treatment plant equipment	5
Water treatment plant equipment	5
Washers (dish, cage, glass, etc.)	5
Sterilizing equipment	5
Water distilling equipment	5
Prefab temperature rooms (cold, constant temperature)	5
Entire air-conditioning system specified under 600 sections	5
Entire boiler plant system specified under 700 sections	5
General supply conveyors	10
Food service conveyors	10
Pneumatic soiled linen and trash system	10
Elevators	10
Engine-generator system	5
Primary switchgear	5
Secondary switchgear	5
Fire alarm system	5
Nurse call system	5
Intercom system	5
Radio system	5
TV (entertainment) system	5

3. Section 8-7.650-15 is revised to read as follows:

§ 8-7.650-15 Schedule of work progress.

The Contractor shall submit, with the schedule of costs required by "Payments to Contractor" clause, a progress curve indicating anticipated work progression against lapsed contract time, for approval of the Contracting Officer. Submission shall be in quadruplicate on forms furnished by the Veterans Administration, and shall be signed by the Contractor.

4. In § 8-7.650-16, the introductory portion of the clause preceding paragraph (a) is added to read as follows:

§ 8-7.650-16 Supplementary labor standards.

The following clauses supplement the Labor Standards Provisions, SF 19A. The wage determination decision of the Secretary of Labor is set forth in Section GR, General Requirements, of this contract. It is the result of a study of wage conditions in the locality and establishes the minimum hourly rates of wages and fringe benefits for the described classes of labor in accordance with applicable law.

5. In § 8-7.650-20, paragraph (e) is amended to read as follows:

§ 8-7.650-20 Safety requirements, accident prevention, etc.

(e) One copy of the General Safety Requirements mentioned above will be supplied to the Contractor by the Contracting Officer upon request. Additional copies may

be purchased from the Government Printing Office.

6. Section 8-7.650-21 is revised to read as follows:

§ 8-7.650-21 Contract changes.

Clause 3, Changes, and Clause 4, Differing Site Conditions, of General Provisions, SF 23A, are supplemented as follows:

(a) When requested by the Contracting Officer, the Contractor shall submit proposals for changes in work to the Resident Engineer. Proposals, to be submitted within 30 calendar days after receipt of request, shall be in legible form, original and five copies, with an itemized breakdown that will include material, quantities, unit prices, labor costs (separated into trades), construction equipment, etc. (Labor costs are to be identified with specific material placed or operation performed.) The Contractor must obtain and furnish with his proposal an itemized breakdown as described above, signed by each subcontractor participating in the change regardless of tier.

(b) When the necessity to proceed with a change does not allow sufficient time to check a proposal or because of failure to reach an agreement, the Contracting Officer may order the Contractor to proceed (proceed order) on the basis of a tentative price based on the best estimate available at the time, with the firm price to be determined later. Furthermore, if a proceed order is issued the Contractor shall submit his proposal for changes in work within 30 calendar days.

(c) If the Contractor's proposal required by paragraphs (a) and (b) of this clause is not received within 30 calendar days, or if agreement has not been reached, the Contracting Officer will consider issuing a unilateral change order.

(d) Allowances not to exceed 10 percent each for overhead and profit for the party performing the work will be based upon the value of labor, material and use of construction equipment required to accomplish the change. As the value of the change increases, a declining scale will be used in negotiating the percentage of overhead and profit.

(e) When work is done by a subcontractor, the Prime Contractor's fee will be based upon the net increased cost to the Prime Contractor. The fee will be negotiated and will follow a declining scale which will not exceed 10 percent on the first \$10,000 of the change and not over 7½ percent over \$10,000.

(f) Not more than three percentages, none of which exceed 10 percent will be allowed regardless of the number of tier subcontractors, i.e., the markup on work subcontracted by a subcontractor will be limited to one overhead percentage and one profit percentage in addition to the Prime Contractor's commission percentage.

(g) Where the Contractor or subcontractor's portion of a change involves credit items, such items must be deducted prior to adding overhead and profit for the party performing the work. Where a change involves credit items only, such items will be net, i.e., overhead, profit, and fee are excluded. The Contractor's fee is limited to the net increase to him of subcontractor's portions computed in accordance herewith.

(h) Cost of Federal Old Age Benefit (Social Security) tax and of Workmen's Compensation and Public Liability Insurance appertaining to changes are allowable. While no percentage will be allowed thereon for overhead or profit, Prime Contractor's fee will be allowed on such items in subcontractor's proposals.

(i) Overhead and Contractor's fee percentages shall be considered to include insurance other than mentioned herein, field

and office supervisors and assistants, watchmen, use of small tools, incidental job burdens, and general home office expenses, and no separate allowance will be made therefor.

(j) Bond premium adjustment, consequent upon changes ordered, will be made as elsewhere specified at the time of final settlement under the contract and will not be included in the individual change.

7. Section 8-7.651-3 is revised to read as follows:

§ 8-7.651-3 Inspection and acceptance.

Insert the clause set forth in § 8-7.650-5, beginning with paragraph (a).

8. Section 8-7.651-10 is added to read as follows:

§ 8-7.651-10 Guaranty.

Whenever it is determined that a requirement for a guaranty is in the best interest of the Government, insert the following clause:

GUARANTY

Unless otherwise provided in the contract or specifications, the Contractor guarantees all work performed and materials and equipment furnished under this contract for a period of 1 year from the date of acceptance by the Government. If defects of any kind develop during the guarantee period, the Contractor agrees to repair or replace all defective work, materials and equipment and to repair or replace any damages to the site, buildings or contents caused by inferior or defective workmanship or materials or equipment. Should the Contractor fail to proceed promptly, after notification by the Contracting Officer, to effect such repairs or replacement, the Government may have such work, materials, equipment or damage repaired or replaced and charge all costs incident thereto to the Contractor.

9. Section 8-7.5001-3 is revised to read as follows:

§ 8-7.5001-3 Equal opportunity.

(a) Insert the Equal Opportunity clause set forth in FPR 1-12.803-2 or reference and attach VA Form 07-2135, Equal Opportunity Clause for Government Contracts, in all contracts exceeding \$10,000.

(b) Insert the Certification of Non-segregated Facilities clause set forth in FPR 1-12.803-10(d) (1), in all contracts exceeding \$10,000.

NOTE 1: If the proposed contract is estimated to exceed \$10,000, the prospective contractor's certification contained in FPR 1-12.805-4(b) will be obtained at the outset of negotiations for the contract.

NOTE 2: If the proposed contract is estimated to exceed \$50,000 and the contractor has 50 or more employees, the contractor will be advised of the requirement for an affirmative action compliance program, as set forth in FPR 1-12.810, at the outset of negotiations for the contract.

10. Sections 8-7.5001-8, 8-7.5001-9, and 8-7.5001-10 are revised to read as follows:

§ 8-7.5001-8 Covenant against contingent fees.

Insert the clause set forth in FPR 1-1.503.

NOTE: If the proposed contract is estimated to exceed \$2,500, the representation set forth in FPR 1-1.505 will be obtained at the outset of negotiations for the contract.

§ 8-7.5001-9 Contract Work Hours Standards Act.

Insert the clause set forth in FPR 1-12.303 in all contracts exceeding \$2,500.

§ 8-7.5001-10 Assignment of claims.

Insert the clause set forth in FPR 1-30-703.

11. Sections 8-7.5001-12 and 8-7.5001-13 are revoked.

§ 8-7.5001-12 Utilization of small business concerns. [Revoked]

§ 8-7.5001-13 Utilization of concerns in labor surplus areas. [Revoked]

12. Sections 8-7.5001-14, 8-7.5001-15, and 8-7.5001-16 are added to read as follows:

§ 8-7.5001-14 Changes in services.

The following clause shall be included in all Architect-Engineer contracts.

CHANGES IN SERVICES

(a) The Contracting Officer may at any time by written order issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract. If such changes cause a substantial increase or decrease in the amount or character of the work to be done under this contract, an equitable adjustment of the amount of the total fee to be paid the Architect-Engineer shall be made and the contract shall be modified in writing accordingly. Any claim for adjustment under this clause must be asserted within 30 days from the date the change is ordered (unless the Contracting Officer shall grant a further period of time prior to the date of final payment of the contract). Nothing provided in this clause shall excuse the Architect-Engineer from proceeding with the prosecution of the work so changed. There shall be no adjustment in the amount of the fixed fee as provided herein, nor any claim therefor because of any errors and/or omissions made in computing the estimated cost of the work as originally planned and as set forth in paragraph (b) of this clause and/or where the low bid varies from the estimated cost.

(b) When the estimated construction cost, agreed upon by the Architect-Engineer and the Veterans Administration, for the contemplated change is a true indication of the amount of work and services required of the Architect-Engineer, the fee shall be determined by using the same percentage as that represented by the total fee of this contract. Otherwise, an adjustment shall be made in the Architect-Engineer fee on the basis of estimated Architect-Engineer costs and as a condition precedent to any adjustment, the Architect-Engineer shall provide the Veterans Administration with a detailed breakdown of such estimated Architect-Engineer costs. This breakdown shall indicate the total number of manhours and costs thereof substantiated by a further breakdown into the number of manhours and costs thereof referenced to (1) specific changes to the existing drawings and/or existing written material or other items of work, or (2) additional drawings or additional written material to accomplish the change. The manhours and costs shall be arranged by specific divisions of work (architectural, mechanical, electrical, structural, etc.) subdivided into direct technical supervisor, designer, draftsman, or any other category of manhours or items used by the Architect-Engineer in arriving at his proposal.

§ 8-7.5001-15 Examination of records.

Insert the clause set forth in FPR 1-7.101-10.

§ 8-7.5001-16 Convict labor.

Insert the clause set forth in FPR 1-12.203.

13. Section 8-7.501-5 is revised to read as follows:

§ 8-7.501-5 Construction contracts; field stations, supply depots.

The Chief, Supply or Business Services Division at a field station, the Assistant Director, Supply Service for a VA Supply Depot, and any employee designated by them in accordance with § 8-7.501(b) are authorized to execute, award, and administer contracts for construction projects assigned by the Chief Medical Director, under delegation of the Assistant Administrator for Construction, or those accomplished with station or depot funds. Contracting Officers, in executing, awarding, and administering construction contracts, including those for maintenance and repair projects, will be guided by Federal Procurement Regulations, Veterans Administration Procurement Regulations, and procedures established by the Assistant Administrator for Construction.

14. Section 8-7.501-9 is added to read as follows:

§ 8-7.501-9 Amendments to Federal Supply Schedule contracts for drugs and chemicals.

The contracting officer of the Marketing Division for Drugs and Chemicals, who has executed a Federal Supply Schedule contract for such commodities, may designate a purchasing agent of that division to accept or reject amendments to such contract. The contracting officer shall furnish each contractor on the schedule the name of the designee when such designation is made.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

By direction of the Administrator.

Approved: September 25, 1969.

[SEAL] FRED B. RHODES,
Deputy Administrator.
[F.R. Doc. 69-11877: Filed, Oct. 3, 1969;
8:47 am.]

**Title 43—PUBLIC LANDS:
INTERIOR**

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4694]

[Wyoming 20650]

WYOMING

Partial Revocation of Phosphate Reserves Nos. 11, 22, and 28

Correction

In F.R. Doc. 69-11321 appearing at page 14688 in the issue of Tuesday, September 23, 1969, make the following changes:

1. Under the center heading "Sixth Principal Meridian":

a. In the first line under "T. 40 N., R. 93 W." the reference to "S $\frac{1}{2}$, SE $\frac{1}{4}$ " should read "S $\frac{1}{2}$ SE $\frac{1}{4}$ ".

b. In the third line under "T. 42 N., R. 93 W." the reference to "SE $\frac{1}{2}$ SE $\frac{1}{2}$ " should read "SE $\frac{1}{4}$ SE $\frac{1}{4}$ ".

2. Under the center heading "Wind River Meridian," in the fourth line under "T. 7 N., R. 2 E." the reference to "lots 1 to 3" should read "lots 1 to 4".

[Public Land Order 4696]

[Colorado 8883]

COLORADO

Partial Revocation of National Forest Administrative Site Withdrawal

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

1. Public Land Order No. 1493 of September 9, 1957, withdrawing lands in the Roosevelt National Forest for recreational and administrative sites is hereby revoked insofar as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

REDFEATHER RANGER STATION ADMINISTRATION SITE

T. 10 N., R. 73 W.,
Sec. 34, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains approximately 20 acres in Larimer County.

2. At 10 a.m. on November 5, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,

Assistant Secretary of the Interior.

SEPTEMBER 30, 1969.

[F.R. Doc. 69-11885; Filed, Oct. 3, 1969; 8:47 a.m.]

[Public Land Order 4697]

[Utah 0122625]

UTAH

Powersite Cancellation No. 194; Cancellation of Powersite Classification No. 91

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), as amended, and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 1332-15, note), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-183-Utah, it is ordered as follows:

1. The Departmental Order of April 7, 1925, creating Powersite Classification No. 91, as conformed to surveys, is hereby canceled. The lands affected are described as follows:

SALT LAKE MERIDIAN

T. 20 S., R. 9 E.,
Sec. 1;
Sec. 12, N $\frac{1}{2}$ NE $\frac{1}{4}$.

T. 20 S., R. 10 E.,
Sec. 4, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 5, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Secs. 6 to 11, inclusive;
Secs. 12 to 15, inclusive, every smallest legal subdivision any portion of which, when surveyed, will lie within 1 mile of San Rafael River;

Sec. 17;
Sec. 18, NE $\frac{1}{4}$.
T. 20 S., R. 11 E.,
Sec. 5, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 6, lots 5 to 11, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7;
Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 9, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 10, S $\frac{1}{2}$;
Sec. 11, S $\frac{1}{2}$;
Sec. 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Secs. 13 to 18, inclusive;
Sec. 19, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 20, N $\frac{1}{2}$;
Sec. 21, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 22, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Secs. 23, 24, 25;
Sec. 26, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 36, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 20 S., R. 12 E.,
Sec. 18, lots 6 and 7;
Sec. 19, lots 1 to 8, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 28, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Secs. 30, 31, 32, 33;
Sec. 34, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 35, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 36, S $\frac{1}{2}$.

T. 21 S., R. 12 E.,
Sec. 1, lots 11, 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Secs. 2 and 3.
Tps. 20 and 21 S., R. 13 E., every smallest legal subdivision any portion of which, when surveyed, will lie within 1 mile of San Rafael River.

T. 21 S., R. 14 E.,
Sec. 19 (unsurveyed);
Sec. 20;
Sec. 29, lots 1, 2, 3, 4, 7, 8, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30 (unsurveyed).

The areas described aggregate approximately 45,000 acres.

The lands lie along the San Rafael River some 15 to 45 miles southeast of Castle Dale, Emery County, Utah. Topography is mostly sandy hills and sandstone breaks along a deep, rugged canyon or gorge. The soil is mostly sandy to sandstone with areas of desert pavement. Vegetation consists of shadescale-greasewood type with a sparse grassweed understory.

Some of the lands have been restored subject to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended. As to these, the effect of this order is to relieve the lands of the limitation prescribed by the said section 24.

The State has waived the preference right of application for highway rights-of-way or material sites provided by section 24 of the Federal Power Act of June 10, 1920, supra.

2. At 10 a.m. on November 5, 1969, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid

applications received at or prior to 10 a.m. on November 5, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

HARRISON LOESCH,

Assistant Secretary of the Interior.

SEPTEMBER 30, 1969.

[F.R. Doc. 69-11886; Filed, Oct. 3, 1969; 8:47 a.m.]

[Public Land Order 4698]

[Colorado 8884]

COLORADO

Partial Revocation of National Forest Recreation Withdrawals

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

1. Public Land Orders No. 2624 of March 9, 1962, and No. 2655 of April 9, 1962, withdrawing national forest lands as administrative sites and recreation areas are hereby revoked insofar as they affect the following described lands:

SAN JUAN NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Sultan Mountain Winter Sports Area

T. 41 N., R. 8 W.,
Sec. 13, S $\frac{1}{2}$;
Sec. 24.

The area described aggregates 960 acres in San Juan County, as delineated on the partially surveyed township protraction diagram accepted May 5, 1965.

2. At 10 a.m. on November 5, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,

Assistant Secretary of the Interior.

SEPTEMBER 30, 1969.

[F.R. Doc. 69-11887; Filed, Oct. 3, 1969; 8:47 a.m.]

[Public Land Order 4699]

[Idaho 2966]

IDAHO

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388, as amended and supplemented; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental Order of December 22, 1903, withdrawing lands for the Boise Project, is hereby revoked so far as it affects the following described lands:

BOISE MERIDIAN

T. 5 N., R. 5 W.,
Sec. 31, lots 1 and 2.

The area described contains 79.85 acres in Canyon County.

The lands are included in an allowed entry under the homestead laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1969.

[P.R. Doc. 69-11888; Filed, Oct. 3, 1969;
8:47 a.m.]

[Public Land Order 4700]

[New Mexico 9156]

NEW MEXICO

Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Lincoln National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 8 S., R. 11 E.,

Sec. 35, S $\frac{1}{2}$.

T. 9 S., R. 11 E.,

That portion of those patented mining claims situated in sections 4 and 9 in the Nogal Mining District and within the Lincoln National Forest described as follows:

Butcher Boy Lode, MS 1266, 18.647 acres.

Grub Stake Lode, MS 1266, 1.760 acres.

Delaware Lode, MS 387, 5.620 acres.

Bornite Lode, MS 391, 12.317 acres.

Privateer Lode, MS 392, 10.322 acres.

The areas described aggregate 368.67 acres in Lincoln County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1969.

[P.R. Doc. 69-11889; Filed, Oct. 3, 1969;
8:47 a.m.]

[Public Land Order 4701]

[Oregon 822]

OREGON

Withdrawal for National Forest Recreation Area

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

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SISKIYOU NATIONAL FOREST

WILLAMETTE MERIDIAN

Hayes Hill Campground

T. 37 S., R. 8 W.,

Sec. 24, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 60 acres in Josephine County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1969.

[P.R. Doc. 69-11890; Filed, Oct. 3, 1969;
8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-6]

PART 180—CARRIERS BY PIPELINE

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Requirements for Design, Construction, Operation, and Maintenance

The purpose of this amendment is to establish safety regulations for the design, construction, operation, and maintenance of pipelines carrying hazardous materials and petroleum products in liquid form. These regulations, which were proposed as an amendment to Part 180 of this chapter, are issued as a new Part 195. They have been renumbered in order to align them more closely with the other pipeline regulations of the Department which are now contained in Part 190. Existing Part 180 is deleted and its substantive provisions are incorporated in new Part 195 as Subparts A and B.

On July 12, 1968, the Hazardous Materials Regulations Board issued Notice 68-4 (Docket HM-6; 33 F.R. 10213, July 17, 1968) proposing to amend Part 180 of the Hazardous Materials Regulations to establish detailed safety regulations for liquid pipelines. The public was given 4 months to comment on the proposal and upon request this was subsequently extended to 6 months. Comments were received from 60 persons, including individual companies, industry groups, and other governmental bodies.

As a result of these comments, the hydrostatic testing requirements for new and existing pipelines as set forth in proposed Subparts E and G are not issued with this amendment. The comments submitted on Subpart G were critical of the proposed testing procedures and strongly opposed to their broad application for qualifying and periodically requalifying all existing pipelines. Some of the reasons cited were: The extremely high costs of shutting down existing pipelines primarily caused by loss of throughput; the improved protection systems that have been provided in recent years; the lack of necessity indicated by acci-

dent records; and the minimal benefits (i.e., improved safety) to the public that would accrue from such a testing program. A number of alternatives were proposed by those who commented, including removing the requirements for pipelines with adequate protection systems, spot testing of older lines, or basing the test requirement on the number of failures occurring in particular pipelines.

After considering all of the relevant comments, the Board has concluded that a number of serious problems may exist in the broad application of the proposed qualification and requalification requirements to all existing pipelines. This appears to be particularly true with respect to cost-benefit analysis and, in the case of some pipelines, with respect to the basic need for such a requirement. Therefore, it has been decided to withdraw Subpart G of the proposal in order to carefully reconsider these requirements in light of the alternative proposals. The problems involved in periodic testing of existing pipelines will be explored through further rule making, including a public hearing to be announced at a later date. The withdrawal of proposed rules constitutes only that action and does not preclude the Board from issuing another notice in the future, nor does it commit the Board to any future course of action.

New pipelines, and existing pipelines that receive major modifications, are being hydrostatically tested in accordance with the industry code before being placed in service and this appears to be a universally accepted practice. However, many of the comments did question the requirement for testing at 140 percent of the maximum operating pressure. Most suggested that the test be conducted at 125 percent stating that this pressure provided an adequate safety factor and conformed to the existing industry practice.

On the other hand, some comments indicated that testing to higher pressures had a number of beneficial effects from the standpoint of safety. In view of these differences of opinion within the industry over testing to higher pressures, Subpart E is being withheld and a public hearing is being scheduled in order to obtain additional information before making a final decision on test pressures. In addition, some of the provisions affecting the selection of maximum operating pressure, such as those relating to surge pressure and minimum wall thickness, also provoked considerable public comment. Since the limits on operating pressure and test pressure are so closely related, they should be considered together.

Therefore, the proposed definitions of "internal design pressure" and "maximum operating pressure", and proposed § 180.106 on determining wall thickness are also being withheld pending the resolution of these questions. A public hearing will be held (see p. 15489 of this issue) and it is expected that these provisions will be issued within 30 days thereafter, to be effective at the same

time as the regulations being issued herein.

The preamble to the notice of proposed rule making discussed the difference between "performance" and "specification" type requirements, indicating the intent to develop, to the maximum extent possible, performance requirements so as to avoid impeding innovation on the part of the industry. It is recognized that many of the materials that are incorporated by reference in these regulations are detailed specification type requirements that to some degree negate this intent. To avoid this result in the future, public comment is requested on ways to state the objectives of these incorporated materials so as to provide the flexibility that is necessary to encourage technological improvements.

One of the most significant changes to the rules proposed involves the testing of girth welds. It has been decided that the 100 percent testing requirement for girth welds is not necessary for all locations, and therefore the requirement that each girth weld be tested is now limited to a number of well-defined areas where the potential hazards of a loss of commodity are much greater. In all other locations, which will be mostly open country, only 10 percent of the welds made each day must be tested, although to assure representative testing this will include at least 10 percent of each welder's work. However, with respect to the 10 percent requirement, it should be recognized that this is a minimum requirement and that the testing of the welds should be conducted in consideration not only of the situation in existence when the pipeline is constructed but also with respect to the situation which can be foreseen in the future. While 10 percent testing may be adequate for a particular location at the time a pipeline is laid, a change in population density might make this entirely inadequate in the future, thus necessitating some additional safety measures, such as a reduction in operating pressure, to compensate for the lack of testing.

Other significant changes to the proposed regulations are discussed below by individual section. The section numbers correspond to the numbers proposed in Notice 68-4, with only the part number changed. In addition, a number of editorial changes and minor clarifying modifications to language have been made which do not significantly change the substance of the proposed rules.

Section 195.1. The scope of the regulation has been clarified by specifying that the hazardous materials covered are those that are subject to Parts 172 and 173 of the Hazardous Materials Regulations. Restricting the term in this way necessitates specifically including petroleum and petroleum products in the scope since some forms of petroleum are not subject to those regulations. The exclusion of natural and artificial gas has been broadened to include all gaseous materials since, with the advent of the Natural Gas Pipeline Safety Act of 1968, these commodities will be covered by the gas pipeline regulations. A new para-

graph (b) (4) has been added to exclude all gathering pipelines in rural areas except for accident reporting purposes. For the most part, these are low pressure and relatively low volume lines and they create virtually no hazard to persons or property when they are located in rural areas.

Section 195.2. The only significant change in definitions involves the deletion of the term "hazardous material" and the addition of the term "commodity". Both terms were used in the proposed rules but it appears that one will suffice. Therefore "commodity" is defined and will be used uniformly to denominate any hazardous liquid that is subject to Part 195, including both hazardous materials and petroleum. The definition of "petroleum" is also deleted as unnecessary since the term is well understood by the industry.

Section 195.4. This section has been reworded to state a prohibition and to be more specific about the problem involved. No substantive change is intended.

Section 195.8. The requirement for information under this section has been changed slightly to make it consistent with the preceding section. This will avoid confusion when both sections are applicable to a particular situation as they will be in the case of a commodity other than petroleum being carried in nonsteel pipe.

Subpart B. The section numbers have been changed to permit greater flexibility in assigning numbers in future amendments. Since most liquid commodities will vaporize to some degree when released to the atmosphere, the scope of this subpart has been changed by limiting § 195.50(c) to the escape of liquefied gases. Other changes in the reporting criteria were suggested by the comments, but since they had not been proposed and the industry and public have not had an opportunity to comment, these suggestions are deferred for future rule-making proceedings. The accident form remains unchanged except for the cross references to the regulations.

Subpart C. The sections in this subpart and Subpart D have been reworded to remove any reference to the carriers since these provisions apply to whoever performs the design and construction work. Under § 195.402(d), any pipeline operated under this part must meet all of these design and construction requirements. Those sections that have been changed significantly are discussed below.

Section 195.100. A sentence has been added to this section to make it clear that the design provisions do not apply to minor movements of pipe as provided in § 195.424.

Section 195.106. As noted previously, this section has been omitted, pending resolution of certain related issues involving hydrostatic testing and maximum operating pressure.

Section 195.110. Several comments requested that the example of earthquakes be omitted from paragraph (a) since it is virtually impossible to provide for earthquakes. However, the industry has required consideration of this factor in

the past and it is not unreasonable to impose such a burden in these regulations. This requirement applies only to anticipated loads and, to the extent that a particular external load cannot reasonably be anticipated, it need not be provided for.

Section 195.112. Paragraph (c) has been changed to permit marking on either the pipe or pipe coating and to allow marking with the grade of pipe as well as specified minimum yield strength.

Section 195.114. Paragraph (a) is changed to provide for determining wall thickness where this is not known. Known specifications are required because random testing is not considered adequate for determining physical and chemical properties and longitudinal weld quality. In addition, the comments indicated that the provisions of paragraph (b) limiting corrosion pits to 5 percent of the nominal wall thickness were too stringent. This is particularly true since the acceptable tolerances in nominal wall thickness are such that a piece of pipe could be corroded more than 5 percent and still have more than the nominal wall thickness remaining. The remaining wall thickness is the most important consideration and, since devices are available for measuring this dimension of the pipe, the requirement is restated in those terms. The remaining wall thickness must be equal to or greater than that required by the thickness tolerances in the specifications to which the pipe was manufactured. Any other surface defects must also be acceptable under the pipe specifications. However, corroded pipe with a remaining wall thickness that does not meet the specifications may be used if the operating pressure is reduced commensurately in accordance with the limits on operating pressure that will be included in Subpart F. Proposed paragraph (c) has been transferred to § 195.234(f).

Section 195.116. Since valve extensions do not always remain with the same valve, it is impracticable to mark them as proposed and this requirement is deleted. As a clarification, the marking is specifically permitted to be on either the body or the nameplate.

Section 195.120. This section has been reworded to exclude the application of this requirement to station and terminal manifolds.

Subpart D. As noted above, this subpart has also been amended to exclude all references to carriers.

Section 195.200. A sentence has been added to exclude the movement of line pipe under § 195.424 from the construction requirements.

Section 195.202. This section has been extensively rewritten but has not been changed in substance except to permit the use of more or less permanent standards in addition to specifications written for an individual job. The requirement that the construction be performed in accordance with specifications or standards obviates any requirement specifically stating that the carrier must have specifications or standards.

Section 195.206. Since the primary concern here is damage occurring in transit, this provision is made more

flexible by modifying it to require inspection at the site of installation rather than immediately before installation.

Section 195.210. The comments stated that there is insufficient evidence of any safety benefits to require an additional 24 inches of cover near these buildings or areas. It appears that an additional 12 inches should provide adequate protection against any excavation or unusual external loads that may occur.

Section 195.212. The requirements for using a cold bending method and for a minimum radius of bend have been deleted. The other requirements of this section should be adequate to assure proper bending of pipe in the field. Several comments apparently read this section as prohibiting any variation in pipe diameter that might result from bending. This was not intended and slight irregularities in pipe diameter are not restricted so long as the other requirements are met.

It was also suggested by several persons that paragraph (e) be eliminated. The Board believes that this requirement is necessary to reduce strains on the weld and there is insufficient technical justification for eliminating it at this time.

Section 195.214. The sentence in paragraph (a) referring to AWS A3.0-1961 has been dropped since no terms from that document are utilized.

Section 195.216. This section has been deleted since the comments indicated that the technical justification was insufficient to warrant such restrictions.

Section 195.218. The comments indicated that the requirement for locating weld seams in the top half of the pipe was useful for locating leaks but was not sufficiently related to safety to be mandatory. For this reason, it has been deleted.

Section 195.220. Additional language has been added here to specify that the filler metal must be as strong as the strongest piece of pipe being welded.

Section 195.224. This section has been reworded to make it clear that the purpose is protection of the weld from adverse weather.

Section 195.226. For the reasons discussed previously, the provisions for repair of arc burns by grinding have been modified to be consistent with § 195.114 with respect to the remaining wall thickness that is required.

Section 195.228. This section has been reworded to emphasize that the quality of the completed weld is the primary concern.

Section 195.234. The welding requirements have been extensively modified as discussed in the main body of the preamble. A new paragraph (f) has been added to provide for testing of old girth welds.

Section 195.238. This section has been reorganized and reworded for greater clarity. Proposed § 180.240 has been deleted and added to this section as paragraph (b).

Section 195.248. In response to comments indicating a substantial increase in cost with very little additional pro-

tection, the cover requirement for pipe laid in rock excavations under bodies of water has been reduced.

Section 195.250. In response to a number of comments, an alternative has been added to allow a reduction in clearance if adequate provision is made for corrosion control.

Section 195.256. The requirement for a certain crossing angle for railroads and highways has been deleted as impractical and unnecessary for safety.

Section 195.260. The requirement for a minimum spacing of valves has been dropped as impractical. In the case of very flat terrain, it appears that these valves would serve no valid safety function. On the other hand, in very hilly country, valves will probably have to be placed at much shorter intervals and it should not be implied that 10 miles is acceptable under these circumstances. Several comments objected to the requirement for valves on each side of a water crossing more than 100 feet from high-water mark to high-water mark. As adopted, this requirement authorizes the Federal Railroad Administrator to approve the construction of crossings over 100 feet without valves if he finds in a particular case that the valves are not justified. The Board recognizes that the width of the crossing is not the only factor that should be considered and intends to consider other relevant factors in future rulemaking actions.

Section 195.262. Paragraph (d) is changed to except offshore pumping stations, since these facilities could not possibly comply and there is no necessity for doing so. In addition, since many pumping stations are part of larger facilities owned and controlled by other persons, the requirement for exclusive control by the carrier is dropped as impracticable.

Subpart F—§ 195.402. Paragraph (a) has been reorganized to make clear the three situations for which a carrier must have procedures, i.e., normal operations, abnormal operations, and emergencies.

Under paragraph (c), the pipeline need only be shut down in the case of an immediate hazard to persons or property.

The comments suggested that the design and construction requirements should not be effective until 1 year after being issued. However, since most of these requirements are now being followed by the industry under its own self-imposed code, the Board believes that 6 months will be adequate time to begin to comply.

Section 195.404. Despite several comments suggesting that 1 year's records are sufficient for pump stations, the Board still believes that 3 years is necessary to adequately evaluate the past performance of the station and to isolate any problems if an accident has occurred.

Section 195.410. An exception has been provided for line markers which have been installed before the effective date of this amendment. Markers in this category that do not meet the stated requirements need not be replaced for 5 years. As a result of this change, it is possible to require that all markers installed after

the effective date meet the regulations rather than waiting for a year after the effective date. The requirements for signs on navigable waterways have been modified to conform with those presently used. In addition, markers will not be required in urban areas where they cannot be effectively used if substructure records are available.

Section 195.414. This section has been rewritten for greater clarity. The changes in proposed paragraph (a) do not change its substantive effect. The provisions in paragraph (b) for disposition of corroded pipe were duplicative of § 195.416 and are therefore deleted. Paragraph (c) is modified to require cathodic protection at tank farms and pumping stations only where an electrical inspection shows it to be necessary.

Section 195.416. The period for reinspection of uncoated pipeline systems has been raised to 5 years to be consistent with the initial inspection requirements. As indicated in the discussion above on § 195.114 with respect to used pipe, the important consideration in evaluating the usability of corroded pipe is the remaining wall thickness, and the requirements of paragraph (f) are reworded in this way. The carriers are also given the option of repairing the pipe in the case of small areas of corrosion. In addition, a new paragraph is added to provide for pitted areas. Under this paragraph, pitted areas need not be repaired or replaced if the pits are of small diameter and the wall thickness at the bottom of the pits is at least 70 percent of the nominal wall thickness. The references in paragraphs (a) and (b) to construction requirements were not appropriate for existing pipelines and accordingly they are deleted.

Section 195.418. This section has been reorganized slightly. Paragraph (c) becomes paragraph (d) and is reworded to be consistent with the other requirements for corroded pipe.

Section 195.424. The restrictions contained in the proposal have been determined to be unnecessarily stringent and very costly to the industry. Therefore, they have been relaxed to allow the movement of pipe with the commodity (except for liquefied gases) still flowing, although at a substantially reduced pressure. In the case of liquefied gases, the line section will have to be isolated to stop the flow of the commodity.

Section 195.428. It appears from the comments that the inspection period of 12 months will be adequate for overpressure devices except in the case of pipelines carrying liquefied gases. These will have to be inspected each 6 months.

In consideration of the foregoing and for the reasons discussed in the preamble to Notice 68-4, Title 49, Chapter I of the Code of Federal Regulations is amended by deleting Part 180 and by adding a new Part 195 to read as follows, effective April 1, 1970.

(Secs. 831-835, Title 18, United States Code; sec. 6(e)(4), (f)(3)(A), Department of Transportation Act (49 U.S.C. 1655 (e)(4), (f)(3)(A)); § 1.4(d)(6), Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on September 29, 1969.

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

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AUTHORITY: The provisions of this Part 195 issued under secs. 831-835, Title 18, United States Code; sec. 6 (e) (4), (f) (3) (A), Department of Transportation Act (49 U.S.C. 1655 (e) (4), (f) (3) (A)); § 1.4(d) (6) of the regulations of the Office of the Secretary of Transportation.

Subpart A—General

§ 195.1 Scope.

(a) Except as provided in paragraph (b) of this section, this part prescribes rules governing the transportation by pipeline in interstate and foreign commerce of hazardous materials that are subject to Parts 172 and 173 of this chapter, petroleum, and petroleum products.

(b) This part does not apply to—

(1) Transportation of water or any commodity that is transported in a gaseous state;

(2) Transportation through a pipeline by gravity;

(3) Transportation through pipelines that operate at a stress level of 20 percent or less of the specified minimum yield strength of the line pipe in the system; and

(4) Except for Subpart B of this part, transportation of petroleum in rural areas between a production facility and the point where the petroleum is received by a carrier.

§ 195.2 Definitions.

As used in this part—

“Administrator” means the Administrator of the Federal Railroad Administration or any person to whom he has delegated authority in the matter concerned.

“Barrel” means a unit of measurement equal to 42 U.S. standard gallons.

“Carrier” means a pipeline carrier subject to sections 831-835 of title 18, United States Code.

“Commodity” means a hazardous material that is subject to Parts 172 and 173 of this chapter, petroleum, and petroleum products.

“Component” means any part of a pipeline which may be subjected to pump pressure including, but not limited to, pipe, valves, elbows, tees, flanges, and closures.

“Line section” means a continuous run of pipe between adjacent pressure pump stations, between a pressure pump station and terminal or working tankage, between a pressure pump station and a block valve, or between adjacent block valves.

“Nominal wall thickness” means the wall thickness listed in the pipe specifications.

“Offshore” means beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters.

“Pipe” or “line pipe” means a tube, usually cylindrical, through which a commodity flows from one point to another.

“Pipeline system” or “pipeline” means all parts of a carrier’s physical facilities through which commodities move in transportation that is subject to this part, including, but not limited to, line pipe, valves and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and carrier-controlled breakout tankage.

“Specified minimum yield strength” means the minimum yield strength, expressed in pounds per square inch, prescribed by the specification under which the material is purchased from the manufacturer.

“Stress level” means the level of tangential or hoop stress, usually expressed as a percentage of specified minimum yield strength.

“Surge pressure” means pressure produced by a change in velocity of the moving stream that results from shutting down a pump station or pumping unit, closure of a valve, or any other blockage of the moving stream.

§ 195.3 Matter incorporated by reference.

(a) There are incorporated by reference in this part all materials referred to in this part that are not set forth in full in this part. These materials are hereby made a part of this regulation. Materials subject to change are incorporated as they are in effect on the date of adoption of this part, unless the reference to them specifically provides otherwise.

(b) All incorporated materials are available for inspection in the Docket Room, Room 304, 400 Sixth Street SW., Washington, D.C. In addition, materials incorporated by reference are available as follows:

(1) American Petroleum Institute (API), 1271 Avenue of the Americas, New York, N.Y. 10020 or 300 Corrigan Tower Building, Dallas, Tex. 75201.

(2) The American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

(3) Manufacturers Standardization Society of the Valve and Fittings Industry (MSS), 420 Lexington Avenue, New York, N.Y. 10017.

(4) United States of America Standards Institute (USASI), 10 East 40th Street, New York, N.Y. 10016.

(c) The full title for the publications incorporated by reference in this part are as follows:

(1) American Petroleum Institute:
(i) API Standard 6D is titled "API Specification for Steel Gate, Plug, Ball, and Check Valves for Pipeline Service," which may be obtained from the Dallas office.

(ii) API Standard 1104 is titled "Standard for Welding Pipe Lines and Related Facilities," which may be obtained from the New York office.

(2) ASME Code is the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, section VIII, Rules for Construction of Unfired Pressure Vessels.

(3) Manufacturers Standardization Society of the Valve and Fitting Industry:

(i) MSS Standard Practice SP-48 is titled "Steel Butt-Welding Fittings (26 inch and larger)."

(ii) MSS Standard Practice SP-63 is titled "High Strength Wrought Welding Fittings."

(4) United States of America Standards Institute:

(i) USAS B16.9 is titled "Wrought Steel Butt-Welding Fittings."

(ii) USAS B31.4 is titled "Liquid Petroleum Transportation Pipeline Systems."

§ 195.4 Acceptable petroleum commodities.

No carrier may transport any petroleum or petroleum product unless the petroleum or petroleum product is chemically compatible with both the pipeline, including all components, and any other commodity that it may come into contact with while in the pipeline.

§ 195.6 Transportation of commodities other than petroleum.

(a) Except for petroleum and petroleum products, no carrier may transport any commodity unless the carrier notifies the Administrator in writing, with the information listed in paragraph (b) of this section, at least 90 days before the date the transportation is to begin. If the Administrator determines that the transportation of the commodity in the manner proposed would be unduly hazardous, he will, within 90 days after receipt of the notice, order the carrier, in writing, not to transport the commodity in the proposed manner until further notice. As soon as practicable after issuance of such an order, the Administrator will initiate appropriate action to determine whether and in what manner the commodity may be transported without undue hazard.

(b) The notice submitted to the Administrator by the carrier must state the chemical name, common name, hazard classification determined in accordance with Part 173 of this chapter, properties, and characteristics of the commodity to be transported. It must also include design specifications, including materials used in construction of the pipeline

and the maximum operating pressures for the pipeline through which the commodity is to be transported.

§ 195.8 Transportation of commodities in pipelines constructed with other than steel pipe.

No carrier may transport any commodity through a pipe that is constructed with material other than steel unless the carrier has notified the Administrator in writing at least 90 days before the transportation is to begin. The notice must state the chemical name, common name, hazard classification (if any) determined in accordance with Part 173 of this chapter, properties, and characteristics of the commodity to be transported and the material used in construction of the pipeline. If the Administrator determines that the transportation of the commodity in the manner proposed would be unduly hazardous, he will, within 90 days after receipt of the notice order the carrier, in writing, not to transport the commodity in the proposed manner until further notice.

§ 195.10 Responsibility of carrier for compliance with this part.

A carrier may make arrangements with another person for the performance of any action required by this part. However, the carrier is not thereby relieved from the responsibility for compliance with any requirement of this part.

Subpart B—Accident Reporting

§ 195.50 Scope.

This subpart prescribes rules governing the reporting of any failure in a pipeline system subject to this part in which there is a release of the commodity transported resulting in any of the following:

(a) Explosion or fire not intentionally set by the carrier.

(b) Loss of 50 or more barrels of liquid.

(c) Escape to the atmosphere of more than five barrels a day of liquefied petroleum gas or other liquefied gas.

(d) Death of any person.

(e) Bodily harm to any person resulting in one or more of the following:

(1) Loss of consciousness.

(2) Necessity to carry the person from the scene.

(3) Necessity for medical treatment.

(4) Disability which prevents the discharge of normal duties or the pursuit of normal activities beyond the day of the accident.

(f) Property damage of at least \$1,000 to other than the carrier's facilities, based upon actual cost or reliable estimates.

§ 195.52 Immediate notice of fatal accidents.

Whenever the death of any person as the result of an accident required to be reported under this subpart occurs before the carrier has filed a report under § 195.54, the carrier shall, immediately after it becomes aware of the death, notify the Administrator, by telegraph or telephone, of at least the following:

(a) Name and address of the carrier.

(b) Date, time, and exact location of the accident.

(c) The number of persons killed and the number injured.

(d) A brief description of the accident.

§ 195.54 Accident reporting.

Each carrier that experiences an accident that is required to be reported under this subpart shall, as soon as practicable but not later than 15 days after discovery of the accident, prepare and file an accident report, on DOT Form 7000-1 or a facsimile, with the Administrator, Federal Railroad Administration, Department of Transportation, Washington, D.C. 20591. The carrier shall file two copies of each report and shall retain one copy at its principal place of business.

§ 195.56 Instructions for preparing DOT Form 7000-1.

(a) Each carrier shall prepare each report of an accident on DOT Form 7000-1 or a facsimile, in accordance with the following instructions:

(1) *General.* Each applicable item must be marked or filled in as fully and as accurately as information accessible to the carrier at the time of filing the report will permit.

(2) *Part A.* Enter name as it is filed with the Interstate Commerce Commission. If the carrier's name is not filed with the Commission, enter the complete corporate name of the carrier. Enter the address of the carrier's principal place of business including zip code.

(3) *Part B, Item 1.* Enter the date the accident occurred or was discovered. If the accident was not discovered on the date it occurred, state this fact on the back of the form.

(4) *Part B, Item 2.* Enter the exact time in hours and minutes (i.e., 10:15) if known or a time range (i.e., 10-11) if exact time is not known. If the accident was not discovered on the date it occurred, enter the time it was discovered and state this fact, on the back of the form as in Part B, Item 1.

(5) *Part B, Item 3.* Enter all three names, State, county, city, or town, in or near which accident occurred.

(6) *Part B, Item 4.* Mark the appropriate box. If "other" is marked, state clearly on form what part of the pipeline system.

(7) *Part B, Item 5.* If the accident occurred in an uninhabited area, such as woods, cultivated field, swamp, etc., so state clearly on the form under Item 5. If not, attach a sketch to the form showing the part of the pipeline system where the accident occurred, and the location of the accident as related to significant landmarks. Each item shown on the sketch must be clearly and distinctly marked to identify it. Approximate distances from accident location to all landmarks shown on the sketch must be indicated.

(8) *Part C.* Mark the appropriate box or boxes. If applicable, mark more than one box. If "other" is marked, state clearly on form the exact origin of the release of commodity.

(9) *Part D.* Mark the appropriate box. If "other" is marked, clearly state the cause of the accident.

(10) *Part E.* Indicate a number under each heading including "0" if none. Report deaths, even if previously reported in accordance with § 195.52.

(11) *Part F, Items 1 and 2.* Report only material in the pipeline system that was actually damaged such as pipe, valves, or fittings. Do not include cost of commodity which was lost due to the accident or fittings used during repair which became permanently attached to the system. The dollar value of damage should be based on replacement at present day costs.

(12) *Part F, Items 3 and 4.* This is damage to property other than that of the carrier. Dollar value must be actual or the best estimate available.

(13) *Part G, Item 1.* State the commonly used name of the commodity, such as fuel oil, regular gasoline, liquefied petroleum gas. If the commodity name is one not commonly used, state the name here and give a brief description of it under "Account of Accident by Responsible Official of Carrier."

(14) *Part G, Item 3.* State the year facility was installed or the best estimate possible. Pipe is excluded as the year of installation is required in Item 4 of Part H.

(15) *Part H.* Mark appropriate boxes and state information required in all items of this part only if the accident occurred in line pipe. If the accident occurred in any other part of the pipeline system, omit this part.

(16) *Part I.* Mark appropriate boxes and state information required in all items of this part if the accident was caused by corrosion in any component of the pipeline system. In Item 4, state the length of time between the type of tests, such as pipe-to-soil potential, stated in Item 5.

(17) *Part J.* Complete all three items only if the accident was caused by equipment rupturing the pipeline. In Item 2, all the information stated on the closest line marker must be shown.

(b) In addition to the requirements of paragraph (a) of this section, in the space provided after Part J, the carrier shall enter an account of the accident containing the most reliable information to which the carrier has access at the time of reporting, sufficiently detailed and complete to convey an understanding of the accident. This account may be continued on an extra sheet of paper if more space is needed.

(c) At the bottom of the back of DOT Form 7000-1, the carrier shall state the name and title of the pipeline official responsible for compiling and filing the report along with the telephone number at which this official can be reached, and the date the report was completed.

§ 195.58 Changes in or additions to accident report.

Whenever a carrier receives any changes in the information reported or additions to the original report on DOT Form 7000-1 it shall immediately file a supplemental report with the Administrator.

§ 195.60 Carrier assistance in investigation.

If the Department of Transportation investigates an accident, the carrier involved shall make available to the representative of the Department all records and information that in any way pertain to the accident, and shall afford all reasonable assistance in the investigation of the accident.

§ 195.62 Supplies of accident report DOT Form 7000-1.

Each carrier shall maintain an adequate supply of forms that are a facsimile of DOT Form 7000-1 to enable it to promptly report accidents. The Department will, upon request, furnish specimen copies of the form. Requests should be addressed to the Federal Railroad Administration, Department of Transportation, Washington, D.C. 20591.

Subpart C—Design Requirements

§ 195.100 Scope.

This subpart prescribes minimum design requirements for new pipeline systems constructed with steel pipe and for relocating, replacing, or otherwise changing existing systems constructed with steel pipe. However, it does not apply to the movement of line pipe covered by § 195.424.

§ 195.102 Design temperature.

Material for components of the system must be chosen for the temperature environment in which the components will be used so that the pipeline will maintain its structural integrity.

§ 195.104 Variations in pressure.

If, within a pipeline system, two or more components are to be connected at a place where one will operate at a higher pressure than another, the system must be designed so that any component operating at the lower pressure will not be overstressed.

§ 195.108 External pressure.

Any external pressure that will be exerted on the pipe must be provided for in designing a pipeline system.

§ 195.110 External loads.

(a) Anticipated external loads (e.g., earthquakes, vibration, thermal expansion, and contraction) must be provided for in designing a pipeline system. In providing for expansion and flexibility, section 419 of USAS B31.4—1966 must be followed.

(b) The pipe and other components must be supported in such a way that the support does not cause excess localized stresses. In designing attachments to pipe, the added stress to the wall of the pipe must be computed and compensated for.

§ 195.112 New pipe.

Any new pipe installed in a pipeline system must comply with the following:

(a) The pipe must be made of steel of the carbon, low alloy-high strength, or alloy type that is able to withstand the internal pressures and external loads and

pressures anticipated for the pipeline system.

(b) The pipe must be made in accordance with a written pipe specification that sets forth the chemical requirements for the pipe steel and mechanical tests for the pipe to provide pipe suitable for the use intended.

(c) Each length of pipe with an outside diameter of 4 inches or more must be marked on the pipe or pipe coating with the specification to which it was made, the specified minimum yield strength or grade, and the pipe size. The marking must be applied in a manner that does not damage the pipe or pipe coating and must remain visible until the pipe is installed.

§ 195.114 Used pipe.

Any used pipe installed in a pipeline system must comply with § 195.112 (a) and (b) and the following:

(a) The pipe must be of a known specification and the joint factor must be determined in accordance with this part. If the specified minimum yield strength is not known, the yield strength must be determined in accordance with § 437.6.6 of USAS B31.4—1966. If the wall thickness is not known it must be determined in accordance with § 437.6.3 of USAS B31.4—1966.

(b) There may not be any—

(1) Buckles;

(2) Cracks, grooves, gouges, dents, or other surface defects that exceed the maximum depth of such a defect permitted by the specification to which the pipe was manufactured; or

(3) Corroded areas where the remaining wall thickness is less than the minimum thickness required by the tolerances in the specification to which the pipe was manufactured.

However, pipe that does not meet the requirements of subparagraph (3) of this paragraph may be used if the operating pressure is reduced to be commensurate with the remaining wall thickness.

§ 195.116 Valves.

Each valve installed in a pipeline system must comply with the following:

(a) The valve must be of a sound engineering design.

(b) Materials subject to the internal pressure of the pipeline system, including welded and flanged ends, must be compatible with the pipe or fittings to which the valve is attached.

(c) Each part of the valve that will be in contact with the commodity stream must be made of materials that are compatible with each commodity that it is anticipated will flow through the pipeline system.

(d) Each valve must be both hydrostatically shell tested and hydrostatically seat tested without leakage to at least the requirements set forth in section 5, API Standard 6D, 1964 Edition.

(e) Each valve must be equipped with a means for clearly indicating the position of the valve (open, closed, etc.).

(f) Each valve must be marked on the body or the nameplate, with at least the following:

- (1) Manufacturer's name or trademark.
- (2) Class designation or the maximum working pressure to which the valve may be subjected.
- (3) Body material designation (the end connection material, if more than one type is used).
- (4) Nominal valve size.

§ 195.118 Fittings.

Each fitting used in a pipeline system (such as elbows, returns, tees, crosses, caps, reducers) must comply with the following:

- (a) Butt-welding type fittings must meet the marking, end preparation, and the bursting strength requirements of USAS B16.9-1964, MSS Standard Practice SP 48, 1969 Edition, or MSS Standard Practice SP-63, 1969 Edition.
- (b) There may not be any buckles, dents, cracks, gouges, or other defects in the fitting that might reduce the strength of the fitting.
- (c) The fitting must be suitable for the intended service and be at least as strong as the pipe and other fittings in the pipeline system to which it is attached.

§ 195.120 Changes in direction: Provision for internal passage.

Each component of a main line system, other than station and terminal manifolds, that change direction within the pipeline system must have a radius of turn that readily allows the passage of pipeline scrapers, spheres, and internal inspection equipment.

§ 195.122 Fabricated branch connections.

Each pipeline system must be designed so that the addition of any fabricated branch connections will not reduce the strength of the pipeline system.

§ 195.124 Closures.

Each closure to be installed in a pipeline system must comply with the ASME Code, section VIII for Unfired Pressure Vessels, 1968 Edition, and must have pressure and temperature ratings at least equal to those of the pipe to which the closure is attached.

§ 195.126 Flange connection.

Each component of a flange connection must be compatible with each other component and the connection as a unit must be suitable for the service in which it is to be used.

§ 195.128 Station piping.

Any pipe to be installed in a station that is subject to system pressure must meet the applicable requirements of this subpart.

§ 195.130 Fabricated assemblies.

Each fabricated assembly to be installed in a pipeline system must meet the applicable requirements of this subpart.

§ 195.132 Above ground tanks.

Each above ground tank must be designed to withstand the internal pressure produced by the commodity to be

stored therein and any anticipated external loads.

Subpart D—Construction

§ 195.200 Scope.

This subpart prescribes minimum requirements for constructing new pipeline systems with steel pipe, and for relocating, replacing, or otherwise changing existing pipeline systems that are constructed with steel pipe. However, this subpart does not apply to the movement of pipe covered by § 195.424.

§ 195.202 Compliance with specifications or standards.

Each pipeline system must be constructed in accordance with comprehensive written specifications or standards that are consistent with the requirements of this part.

§ 195.204 Inspection—general.

Inspection must be provided to ensure the installation of pipe or pipeline systems in accordance with the requirements of this subpart. No person may be used to perform inspections unless that person has been trained and is qualified in the phase of construction he is to inspect.

§ 195.206 Material inspection.

No pipe or other component may be installed in a pipeline system unless it has been visually inspected at the site of installation to ensure that it is not damaged in a manner that could impair its strength or reduce its serviceability.

§ 195.208 Welding of supports and braces.

Supports or braces may not be welded directly to pipe that will be operated at a pressure of more than 100 p.s.i.g.

§ 195.210 Pipeline location.

(a) Pipeline right-of-way must be selected to avoid, as far as practicable, areas containing private dwellings, industrial buildings, and places of public assembly.

(b) No pipeline may be located within 50 feet of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble, unless it is provided with at least 12 inches of cover in addition to that prescribed in § 195.248.

§ 195.212 Bending of pipe.

Each field bend must comply with the following:

- (a) The bend must be smooth and uniform.
- (b) After bending the pipe must be free from buckling, cracks, or any other mechanical damage and must conform to the profile of the completed ditch.
- (c) There must be no wrinkle bends or mitered bends (not including deflections up to 3° that are caused by misalignment).
- (d) No girth weld may be placed inside the bending shoe if the weld protrudes above the outer wall of the pipe.
- (e) Pipe containing a longitudinal weld must be bent so that the seam is located near the neutral axis.

§ 195.214 Welding: General.

(a) Welding must be performed in compliance with this section and §§ 195.218 through 195.234.

(b) Welding must be performed in accordance with established written welding procedures that have been tested to assure that they will produce sound, ductile welds that comply with requirements of this subpart. Detailed records of these tests must be kept by the carrier involved.

§ 195.218 Welding: Seam offset.

Seams on adjacent pipe lengths must be offset.

§ 195.220 Welds: Filler metal.

Filler metal must be at least equal in strength to the highest specified minimum yield strength of the pieces being welded and must fuse the pieces together.

§ 195.222 Welders: Testing.

Each welder must have been tested and found to qualify under section 3, API Standard 1104, January 1968 edition.

§ 195.224 Welding: Weather.

Welding must be protected from weather conditions that would impair the quality of the completed weld.

§ 195.226 Welding: Arc burns.

- (a) Each arc burn must be repaired.
- (b) An arc burn may be repaired by completely removing the notch by grinding, if the grinding does not reduce the remaining wall thickness to less than the minimum thickness required by the tolerances in the specification to which the pipe is manufactured. If a notch is not repairable by grinding, a cylinder of the pipe containing the entire notch must be removed.
- (c) A ground may not be welded to the pipe or fitting that is being welded.

§ 195.228 Welding inspection: Standards of acceptability.

The weld and welding must be inspected to ensure compliance with the requirements of this subpart. Visual inspection must be supplemented by non-destructive testing. The acceptability of the weld is determined according to the standards in section 6, API Standard 1104, January 1968 edition.

§ 195.230 Welds: Repair of defects.

A weld that is found unacceptable under § 195.228 may not be repaired unless—

- (a) There are no cracks in the weld;
- (b) The segment of the weld to be repaired was not previously repaired; and
- (c) The weld is inspected after repair to assure its acceptability.

§ 195.232 Welds: Removal of defects.

A cylinder of the pipe containing a weld must be removed and the ends rebeveled whenever—

- (a) The weld contains one or more cracks;
- (b) The weld is not acceptable under § 195.228 and is not repaired; or
- (c) The weld was repaired and the repair did not meet the requirements of § 195.228.

§ 195.234 Welds: Nondestructive testing and retention of testing records.

(a) A weld may be nondestructively tested by any process that will clearly indicate any defects that may affect the integrity of the weld.

(b) Any nondestructive testing of welds must be performed—

(1) In accordance with a written set of procedures for nondestructive testing; and

(2) With personnel that have been trained in the established procedures and in the use of the equipment employed in the testing.

(c) Procedures for the proper interpretation of each weld inspection must be established to ensure the acceptability of the weld under § 195.228.

(d) During construction, at least 10 percent of the girth welds made by each welder during each welding day must be nondestructively tested over the entire circumference of the weld.

(e) In the following locations, 100 percent of the girth welds must be non-destructively tested:

(1) At any location where a loss of commodity would pollute any stream, river, lake, reservoir, or other body of water.

(2) Within railroad or public road rights-of-way.

(3) At overhead road crossings and within tunnels.

(4) At pipeline tie-ins.

(5) Within the limits of any incorporated subdivision of a State government.

(6) Within populated areas, including but not limited to, residential subdivisions, shopping centers, schools, designated commercial areas, industrial facilities, public institutions, and places of public assembly.

(f) When installing used pipe, 100 percent of the old girth welds must be non-destructively tested.

(g) A record of the nondestructive testing must be retained by the carrier who is involved, including (if radiography is used) the developed film with, so far as practicable, the location of the weld. This record must be retained for 3 years after the line is placed in operation.

§ 195.236 External corrosion protection.

Each component in the pipeline system must be provided with protection against external corrosion.

§ 195.238 External coating.

(a) No pipeline system component may be buried unless that component has an external protective coating that—

(1) Is designed to mitigate corrosion on the buried component;

(2) Has sufficient adhesion to the metal surface to prevent underfilm migration of moisture;

(3) Is sufficiently ductile to resist cracking;

(4) Has enough strength to resist damage due to handling and soil stress; and

(5) Supports any supplemental cathodic protection.

In addition, if an insulating-type coating is used it must have low moisture absorption and provide high electrical resistance.

(b) All pipe coating must be inspected just prior to lowering the pipe into the ditch and any damage discovered must be repaired.

§ 195.242 Cathodic protection system.

(a) A cathodic protection system must be installed for all buried facilities to mitigate corrosion deterioration that might result in structural failure. A test procedure must be developed to determine whether adequate cathodic protection has been achieved.

(b) A cathodic protection system must be installed not later than 1 year after completing the construction.

§ 195.244 Test leads.

(a) Except for offshore pipelines, electrical test leads used for corrosion control or electrolysis testing must be installed at intervals frequent enough to obtain electrical measurements indicating the adequacy of the cathodic protection.

(b) Test leads must be installed as follows:

(1) Enough looping or slack must be provided to prevent test leads from being unduly stressed or broken during backfilling.

(2) Each lead must be attached to the pipe so as to prevent stress concentration on the pipe.

(3) Each lead installed in a conduit must be suitably insulated from the conduit.

§ 195.246 Installation of pipe in a ditch.

All pipe installed in a ditch must be installed in a manner that minimizes the introduction of secondary stresses and the possibility of damage to the pipe.

§ 195.248 Cover over buried pipeline.

(a) Unless specifically exempted in this subpart, all pipe must be buried so that it is below the level of cultivation. Except as provided in paragraph (b) of this section, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, or river bottom, as applicable, complies with the following table:

Location	Cover (inches)	
	For normal excavation	For Rock excavation ¹
Industrial, commercial, and residential areas.....	36	30
Crossings of bodies of water with a width of at least 100 feet from high water mark to high water mark.....	48	18
Drainage ditches at public roads and railroads.....	36	36
Any other area.....	30	18

¹ Rock excavation is any excavation that requires blasting or removal by equivalent means.

(b) Less cover than the minimum required by paragraph (a) of this section and § 195.210 may be used if—

(1) It is impracticable to comply with the minimum cover requirements; and

(2) Additional protection is provided that is equivalent to the minimum required cover.

§ 195.250 Clearance between pipe and underground structures.

Any pipe installed underground must have at least 12 inches of clearance between the outside of the pipe and the extremity of any other underground structure, except that for drainage tile the minimum clearance may be less than 12 inches but not less than 2 inches. However, where 12 inches of clearance is impracticable, the clearance may be reduced if adequate provisions are made for corrosion control.

§ 195.252 Backfilling.

Backfilling must be performed in a manner that protects any pipe coating and provides firm support for the pipe.

§ 195.254 Above ground components.

(a) Any component may be installed above ground in the following situations, if the other applicable requirements of this part are complied with:

(1) Overhead crossings of highways, railroads, or a body of water.

(2) Spans over ditches and gullies.

(3) Scraper traps or block valves.

(4) Areas under the direct control of the carrier.

(5) In any area inaccessible to the public.

(b) Each component covered by this section must be protected from the forces exerted by the anticipated loads.

§ 195.256 Crossing of railroads and highways.

The pipe at each railroad or highway crossing must be installed so as to adequately withstand the dynamic forces exerted by anticipated traffic loads.

§ 195.258 Valves: General.

Each valve must be installed in a location that is accessible to authorized employees and that is protected from damage or tampering.

§ 195.260 Valves: Location.

A valve must be installed at each of the following locations:

(a) On the suction end and the discharge end of a pump station in a manner that permits isolation of the pump station equipment in the event of an emergency.

(b) On each line entering or leaving a tank farm in a manner that permits isolation of the tank farm from other facilities.

(c) On each main line at locations along the pipeline system that will minimize damage from accidental product discharge, as appropriate for the terrain in open country or for the location near cities or other populated areas.

(d) On each lateral takeoff from a trunk line in a manner that permits shutting off the lateral without interrupting the flow in the trunk line.

(e) On each side of a water crossing that is more than 100 feet wide from high-water mark to high-water mark unless the Administrator finds in a particular case that valves are not justified.

(f) On each side of a reservoir holding water for human consumption.

§ 195.262 Pumping equipment.

(a) Adequate ventilation must be provided in pump station buildings to prevent the accumulation of hazardous vapors. Warning devices must be installed to warn of the presence of hazardous vapors in the pumping station building.

(b) The following must be provided in each pump station:

(1) Safety devices that prevent overpressuring of pumping equipment, including the auxiliary pumping equipment within the pumping station.

(2) A device for the emergency shutdown of each pumping station.

(3) If power is necessary to actuate the safety devices, an auxiliary power supply.

(c) Each safety device must be tested under conditions approximating actual operations and found to function properly before the pumping station may be used.

(d) Except for offshore pipelines, pumping equipment may not be installed—

(1) On any property that will not be under the control of the carrier; or

(2) Less than 50 feet from the boundary of the station.

(e) Adequate fire protection must be installed at each pump station. If the fire protection system installed requires the use of pumps, motive power must be provided for those pumps that is separate from the power that operates the station.

§ 195.264 Above ground tanks.

(a) A means must be provided for containing liquids in the event of spillage or tank failure.

(b) Tankage areas must be adequately protected against unauthorized entry.

(c) Normal and emergency relief venting must be provided for each tank.

§ 195.266 Construction records.

A complete record that shows the following must be maintained by the carrier involved for the life of each facility:

(a) The total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected weld.

(b) The amount, location, and cover of each size of pipe installed.

(c) The location of each crossing of another pipeline.

(d) The location of each buried utility crossing.

(e) The location of each overhead crossing.

(f) The location of each valve, weighted pipe, corrosion test station, or other item connected to the pipe.

Subpart E [Reserved]

Subpart F—Operation and Maintenance

§ 195.400 Scope.

This subpart prescribes minimum requirements for operating and maintaining pipeline systems constructed with steel pipe.

§ 195.402 General requirements.

(a) Each carrier shall establish and maintain current written procedures:

(1) To ensure the safe operation and maintenance of its pipeline system in accordance with this Part during normal operations.

(2) To be followed during abnormal operations and emergencies.

(b) No carrier may operate or maintain its pipeline systems at a level of safety lower than that required by this subpart and the procedures it is required to establish under paragraph (a) of this section.

(c) Whenever a carrier discovers any condition that could adversely affect the safe operation of its pipeline system it shall correct it within a reasonable time. However, if the condition is of such a nature that it presents an immediate hazard to persons or property, the carrier may not operate the affected part of the system until it has corrected the unsafe condition.

(d) No carrier may operate any part of a pipeline system upon which construction was begun after March 31, 1970, unless it was designed and constructed as required by this part.

§ 195.404 Maps and records.

(a) Each carrier shall maintain current maps and records of its pipeline systems that include at least the following information:

(1) Location and identification of all major facilities.

(2) All crossings of public roads, railroads, rivers, buried utilities, and foreign pipelines.

(3) The maximum operating pressure of each pipeline.

(4) The diameter, grade, type, and nominal wall thickness of all pipe.

(b) Each carrier shall maintain daily operating records that indicate the discharge pressures at each pump station and any unusual operations of a facility. The carrier shall retain these records at its principal place of business for at least 3 years.

(c) Each carrier shall also maintain for the useful life of that part of the pipeline system to which they relate, records that include the following:

(1) The date, location, and description of each repair made to its pipeline systems.

(2) A record of each inspection and each test required by this subpart.

§ 195.408 Communications.

Each carrier shall have a communication system that insures the trans-

mission of information required for the safe operation of its pipeline systems.

§ 195.410 Line markers.

(a) Except as provided in paragraphs (b) and (c) of this section, each carrier shall place and maintain line markers over each buried line in accordance with the following:

(1) Markers must be located at each public road crossing, at each railroad crossing, and in sufficient number along the remainder of each buried line so that its location is accurately known.

(2) The marker must state at least the following: "Warning" followed by the words "Petroleum (or the name of the commodity transported) Pipeline" (in lettering at least 1 inch high with an approximate stroke of one-quarter inch on a background of sharply contrasting color), the name of the carrier and a telephone number (including area code) where the carrier can be reached at all times. Markers at navigable waterway crossings must also contain the words "Do Not Anchor or Dredge" with lettering not less than 12 inches high with an approximate stroke of 1 3/4 inches on a background of sharply contrasting color.

(b) Line markers are not required in heavily developed urban areas such as downtown business centers where—

(1) The placement of markers is impracticable and would not serve the purpose for which markers are intended; and

(2) The local government maintains current substructure records.

(c) Line markers that have been installed before April 1, 1970, may be used until April 1, 1975.

(d) Each carrier shall provide line marking at locations where the line is above ground in areas that are accessible to the public.

§ 195.412 Inspection of rights-of-way and crossings under navigable waters.

(a) Each carrier shall, at intervals not exceeding 2 weeks, inspect the surface conditions on or adjacent to each pipeline right-of-way.

(b) Except for offshore pipelines, each carrier shall, at intervals not exceeding 5 years, inspect each crossing under a navigable waterway to determine the condition of the crossing.

§ 195.414 Cathodic protection.

(a) After March 31, 1973, no carrier may operate a pipeline that has an external surface coating material, unless that pipeline is cathodically protected. This paragraph does not apply to tank farms and buried pumping station piping.

(b) Each carrier shall electrically inspect each bare pipeline before April 1, 1975, to determine any areas in which active corrosion is taking place. The carrier may not increase its established maximum operating pressure on a section of bare pipeline until the section has been so electrically inspected. In any areas where active corrosion is found,

the carrier shall provide cathodic protection. Section 195.416 (f) and (g) applies to all corroded pipe that is found.

(c) Each carrier shall electrically inspect all tank farms and buried pumping station piping before April 1, 1973, as to the need for cathodic protection, and cathodic protection shall be provided where necessary.

§ 195.416 External corrosion control.

(a) Each carrier shall, at intervals not exceeding 12 months, conduct tests on each underground facility in its pipeline systems that is under cathodic protection to determine whether the protection is adequate.

(b) Each carrier shall maintain the test leads required for cathodic protection in such a condition that electrical measurements can be obtained to ensure adequate protection.

(c) Each carrier shall, at intervals not exceeding 2 months, inspect each of its cathodic protection rectifiers.

(d) Each carrier shall, at intervals not exceeding 5 years, electrically inspect the bare pipe in its pipeline system that is not cathodically protected and must study leak records for that pipe to determine if additional protection is needed.

(e) Whenever any buried pipe is exposed for any reason, the carrier shall examine the pipe for evidence of external corrosion. If the carrier finds that there is active corrosion, that the surface of the pipe is generally pitted, or that corrosion has caused a leak, it shall investigate further to determine the extent of the corrosion.

(f) Any pipe that is found to be generally corroded so that the remaining wall thickness is less than the minimum thickness required by the pipe specification tolerances must either be replaced with coated pipe that meets the requirements of this part or, if the area is small, must be repaired. However, the carrier need not replace generally corroded pipe if the operating pressure is reduced to be commensurate with the limits on operating pressure specified in this subpart, based on the actual remaining wall thickness.

(g) If isolated corrosion pitting is found, the carrier shall repair or replace the pipe unless—

(1) The diameter of the corrosion pits, as measured at the surface of the pipe, is less than the nominal wall thickness of the pipe; and

(2) The remaining wall thickness at the bottom of the pits is at least 70 percent of the nominal wall thickness.

(h) Each carrier shall clean, coat with material suitable for the prevention of atmospheric corrosion, and, maintain this protection for, each component in its pipeline system that is exposed to the atmosphere.

§ 195.418 Internal corrosion control.

(a) No carrier may transport any commodity that would corrode the pipe or other components of its pipeline system, unless it has investigated the corrosive effect of the commodity on the sys-

tem and has taken adequate steps to mitigate corrosion.

(b) If corrosion inhibitors are used to mitigate internal corrosion the carrier shall use inhibitors in sufficient quantity to protect the entire part of the system that the inhibitors are designed to protect and shall also use coupons or other monitoring equipment to determine their effectiveness.

(c) The carrier shall, at intervals not exceeding 6 months, examine coupons or other types of monitoring equipment to determine the effectiveness of the inhibitors or the extent of any corrosion.

(d) Whenever any pipe is removed from the pipeline for any reason, the carrier must inspect the internal surface for evidence of corrosion. If the pipe is generally corroded such that the remaining wall thickness is less than the minimum thickness required by the pipe specification tolerances, the carrier shall investigate adjacent pipe to determine the extent of the corrosion. The corroded pipe must be replaced with pipe that meets the requirements of this part.

§ 195.420 Valve maintenance.

(a) Each carrier shall maintain each valve that is necessary for the safe operation of its pipeline systems in good working order at all times.

(b) Each carrier shall, at intervals not exceeding 6 months, inspect each main line valve to determine that it is functioning properly.

(c) Each carrier shall provide protection for each valve from unauthorized operation and from vandalism.

§ 195.422 Pipeline repairs.

(a) Each carrier shall, in repairing its pipeline systems, insure that the repairs are made in a safe manner and are made so as to prevent damage to persons or property.

(b) No carrier may use any pipe, valve, or fitting, for replacement in repairing pipeline facilities, unless it is designed and constructed as required by this part.

§ 195.424 Pipe movement.

(a) No carrier may move any line pipe, unless the pressure in the line section involved is reduced to not more than 50 percent of the maximum operating pressure.

(b) No carrier may move any pipeline containing liquefied gases unless the line section involved is isolated to prevent the flow of commodity.

§ 195.426 Scraper and sphere facilities.

No carrier may use a launcher or receiver that is not equipped with a relief device capable of safely relieving pressure in the barrel before insertion or removal of scrapers or spheres. The carrier must use a suitable device to indicate that pressure has been relieved in the barrel or must provide a means to prevent insertion or removal of scrapers or spheres if pressure has not been relieved in the barrel.

§ 195.428 Overpressure safety devices.

(a) Each carrier shall, at intervals not exceeding 12 months, or 6 months in the case of pipelines used to carry liquefied

gases, inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used.

§ 195.430 Firefighting equipment.

Each carrier shall maintain adequate firefighting equipment at each pump station, terminal, and tank farm. The equipment must be—

(a) In proper operating condition at all times;

(b) Plainly marked so that its identity as firefighting equipment is clear; and

(c) Located so that it is easily accessible during a fire.

§ 195.432 Storage vessels.

Each carrier shall, at intervals not exceeding 12 months, inspect each storage vessel (including atmospheric and pressure tanks).

§ 195.434 Signs.

Each carrier shall maintain signs visible to the public around each pumping station, terminal, or tank farm. Each sign must contain the name of the carrier and an emergency telephone number to contact.

§ 195.436 Security of facilities.

Each carrier shall provide protection for each pumping station, terminal, and tank farm and other exposed facility (such as scraper traps) from vandalism and unauthorized entry.

§ 195.438 Smoking or open flames.

Each carrier shall prohibit smoking and open flames in each pump station area and each terminal or tank farm area where there is a possibility of the leakage of a flammable commodity or of the presence of flammable vapors.

[P.R. Doc. 69-11911; Filed, Oct. 3, 1969; 8:49 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-37 (Sub-No. 13)]

PART 1048—COMMERCIAL ZONES

Rio Grande Border Municipalities; Commercial Zones and Terminal Areas; Extension of Effective Date

OCTOBER 1, 1969.

By order dated September 30, 1969, the effective date of the order of the Commission of May 7, 1969, published on page 9870 of the June 26, 1969, issue of the FEDERAL REGISTER amending § 1048.101 of Chapter X of Title 49 of the Code of Federal Regulations is further extended to November 10, 1969.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 69-11920; Filed, Oct. 3, 1969; 8:49 a.m.]

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[No. 32485]

PART 1204—PIPELINE COMPANIES

Uniform System of Accounts

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 22d day of September 1969.

Having under consideration a notice of proposed rule making published in the FEDERAL REGISTER on June 15, 1968 (33 F.R. 8780, 8781), providing for a revision of the uniform system of accounts for pipeline companies pursuant to the provisions of section 20 of the Interstate Commerce Act, as amended, the division has, on the date hereof, made and filed its report in this proceeding containing its findings of facts and conclusions thereon; which said report is hereby referred to and made a part hereof; and for good cause appearing therefor:

It is ordered, That Part 1204 of Chapter X of Title 49 of the Code of Federal Regulations be amended as follows:

1. In section (i), definition 11, "Cost", is revised and a new definition 11a, "Original cost", is added to read as follows:

(i) Definitions. . . .

11. "Cost" means the amount of money actually paid for property or services or the current cash value of the consideration given when it is other than money. Cost includes, but is not limited to, the purchase price; sales, use, and excise taxes, and ad valorem taxes during periods of constructions; transportation charges; insurance in transit; installation charges; and expenditures for testing and final preparation for use. (See instruction 3-3.) "Cost" is to be distinguished from "Original cost" (see definition 11a).

11a. "Original cost," as applied to carrier property, means the actual cost of construction or acquisition of property to the first person dedicating such property to public use.

2. Instruction 3-1 is revised to read as follows:

3-1 *Property acquired.* (a) In general the carrier property accounts shall be charged with the cost of property purchased or constructed and with the cost of additions and improvements. However, the acquisition of properties comprising a distinct operating system, or an integral portion thereof, shall be accounted for as provided in paragraph (d) of this instruction or pursuant to instruction 3-11 "Acquisition by pooling of interests," as appropriate.

(b) Property acquired from an affiliated company through purchase or transfer shall be recorded together with the related accrued depreciation and liabilities assumed, if any, in the appropriate property accounts at the same amount that it was recorded on the books of the affiliate. When the purchase price exceeds the net book value of the property acquired, the difference shall be charged to retained income. When the purchase price is less than the net book value, the difference shall be credited to

account 73, "Additional paid-in capital." This does not apply to small miscellaneous purchases or transfers.

(c) The purchase of a proportionate share of a pipeline system or facility owned in undivided interests shall be recorded at the amount that the percentage of interest acquired bears to the whole. Any excess of purchase price over the amount so recorded shall be debited to account 38, "Other elements of investment," and shall be amortized, in equal periodic amounts over the service life of the system or facility through account 660, "Miscellaneous income charges," or otherwise disposed of, as the Commission may approve or direct. Where the amounts recorded for the property exceed the purchase price the excess shall be credited to the depreciation reserve.

(d) The purchase price of properties comprising a distinct operating system, or an integral portion thereof, shall be accounted for by the purchasing carrier as provided below:

(1) The purchase price of pipeline property shall be charged to the appropriate primary property accounts when the price does not exceed \$250,000.

(2) When the purchase price exceeds \$250,000 but is less than the original cost, the appropriate primary carrier property accounts may be charged with either the price paid, or original cost. If the carrier elects the latter alternative, the excess of original cost over purchase price shall be credited to the depreciation reserve.

(3) When the purchase price exceeds both \$250,000 and the original cost, the charges to the primary carrier property accounts shall not exceed the original cost of the property acquired. In such cases the excess of the purchase price over the amounts includible in the primary carrier property accounts shall be recorded in account 38, "Other elements of investment," and shall be amortized, in equal periodic amounts over the service life of the system or facility through account 660, "Miscellaneous income charges," or otherwise disposed of, as the Commission may approve or direct.

(4) When the costs of individual or groups of transportation property are not specified in the agreement or in supporting documents, and circumstances permit the recording of purchase price in the primary property accounts, the recordable amounts shall be equitably apportioned among the appropriate primary property accounts based on the percentage relationship between the purchase price and the original cost of property shown in the valuation record of the Commission.

(5) Liabilities assumed shall be recorded in the appropriate accounts pursuant to the accounting rules of the Commission.

(e) *Approval of accounting.* Tentative journal entries recording all acquisitions of pipeline property from affiliated companies and acquisitions from nonaffiliated companies at a purchase price in excess of \$250,000, pursuant to paragraph (d) of this instruction, shall be presented to the Commission for consideration. The entries shall give a complete description of the property pur-

chased and the basis for determining the amounts to be included in the accounts.

3. Instruction 3-11 is revised to read as follows:

3-11 *Acquisition by pooling of interests.* (a) Accounting for property constituting a distinct operating system, acquired by business combination of two or more corporations shall depend on whether there has been a merger or consolidation in either a "pooling of interests" or a "purchase." A "pooling of interests" may exist when holders of all or substantially all of the ownership interests, usually common stock, in the constituent corporation or entities become the owners of a surviving corporation or a new corporation which owns the assets and businesses of the constituent corporations or entities directly or through one or more subsidiaries. However, where one of the constituent corporations are clearly dominant and its stockholders obtain approximately 90 percent or more of the voting interest in the combined enterprise, the transaction is presumed a purchase rather than a pooling of interests; similarly, a plan or firm intention and understanding to retire a substantial part of the capital stock issued to the owners of one or more of the constituent corporations, or substantial changes in ownership occurring shortly before or planned to occur shortly after the combination, tends to indicate that the combination is a purchase (see instruction 3-1(d)).

(b) *Accounting under a "pooling of interests."* (1) In accounting for a "pooling of interests," no new basis of accountability arises. The assets and liabilities of the constituent companies or entities and the related accrued depreciation and amortization accounts along with the retained income or deficit accounts shall be carried forward, adjusted, if necessary, to conform with the accounting rules of the Commission.

(2) When the total par value or stated value of no-par capital stock of the succeeding corporation is greater than that of the constituent corporations, the excess shall be charged first to the amount in account 73, Additional Paid-in Capital, that is not otherwise restricted, and the Balance to account 75, Unappropriated Retained Income.

(3) When the par value or stated value of no-par capital stock of the succeeding corporation is less than that of the constituent corporations, the difference shall be credited to account 73, Additional Paid-in Capital.

(c) *Approval of accounting.* Tentative journal entries recording all acquisitions of pipeline property pursuant to this instruction, shall be presented to the Commission for consideration. The entries shall give a complete description of the property and the basis for determining the amounts to be included in the accounts.

4. New account 38 and account 39 are added to read as follows:

38 Other elements of investment.

(a) This account shall include the difference between (1) the cost to the purchasing carrier of pipeline property acquired as a distinct operating system,

or integral portion thereof, and (2) the original cost, estimated, if not known, of such property distributed to the primary property accounts.

(b) The amounts recorded in this account with respect to each property acquisition shall be amortized pursuant to instruction 3-1(d)(3).

39 Accrued amortization of other elements of investment.

This account shall be credited with amounts concurrently charged to account 660, "Miscellaneous income charges," or as directed or approved by the Commission, representing the periodic reduction of the amount recorded in account 38, "Other elements of investment."

5. Paragraph (a) of account 660 is amended to read as follows:

660 Miscellaneous income charges.

(a) This account shall include income charges not provided for elsewhere chargeable to income accounts for the current year. Among the items which shall be included in this account are:

- (1) Amortization of debt expense.

(2) Losses on sale or disposition of land and noncarrier property.

(3) Losses on sale or reduction in value of investment securities.

(4) Bad debts.

(5) Losses on company bonds reacquired.

(6) Taxes (other than Federal income taxes) on investment securities.

(7) Trust management expenses.

(8) Amortization of other elements of investment.

(9) Amortization of intangibles which are not restricted to a fixed term.

(10) The difference between the premium and the added cash surrender value of life insurance on officers and employees when the carrier is beneficiary.

6. The "Form of Balance Sheet Statement," the "Form of Income Statement," and the "Form of Unappropriate Retained Income Statement" following account 750, "Dividend appropriations of retained income," are designated accounts 797, 798, and 799, respectively.

7. In account 797, "Form of Balance Sheet Statement," add the following line

items between account 35, "Accrued Depreciation—Noncarrier Property" and "Total tangible property":

38 Other Elements of Investment.

39 Accrued Amortization—Other Elements of Investment.

It is further ordered, That these amendments will become effective November 1, 1969.

And it is further ordered, That service of this order shall be made on all pipeline companies which are affected thereby, to all parties of record herein, and notice of the order shall be given the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy of the order with the Director, Office of the Federal Register.

(Secs. 12, 20, 24 Stat. 383, 386, as amended; 49 U.S.C. 12, 20)

By the Commission, Division 2.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-11919; Filed, Oct. 3, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and
Conservation Service

[7 CFR Part 730]

RICE

Notice of Determinations To Be Made With Respect to Marketing Quotas, National, State, and County Acre- age Allotments, County Normal Yields, and Period for Conducting Referendum on Marketing Quotas for 1970 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1970 crop of rice; to determine and proclaim the national acreage allotment for the 1970 crop of rice; to apportion among States and counties the national acreage allotment for the 1970 crop of rice; to establish county normal yields for the 1970 crop of rice; and to establish a period for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1970 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1969 the Secretary determines that the total supply of rice for the 1969-70 marketing year will exceed the normal supply for such marketing year, the Secretary shall, not later than December 31, 1969, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1970. Within 30 days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether farmers are in favor of or opposed to such quotas.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1970 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the 5 calendar years 1965 through 1969, produce an amount of rice adequate, together with the estimated carryover from the 1969-70 marketing year, to make available a supply for the 1970-71 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1969.

Section 353(c)(6) of the act, as amended, provides that the national

acreage allotment of rice for 1970 shall be not less than the national acreage allotment for 1966, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1970 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carryover of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1-July 31.

Section 353 (a) and (c)(6) of the act requires that the national acreage allotment of rice for the 1970 crop, less a reserve of not to exceed 1 per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under section 353(c)(5) of the act, as amended).

The State acreage allotment of rice for the 1970 crop would be apportioned to producers in "producer States" and to farms in "farm States" in accordance with the Regulations for Determination of Acreage Allotments for 1970 and Subsequent Crops of Rice (§§ 730.61 to 730.87, 33 F.R. 14520, 17764; 34 F.R. 3733, 5629).

Section 301(b)(13)(D) of the act provides that the "normal yield" of rice for 1970 for any county shall be the average yield per acre of rice for the county during the 5 calendar years 1965 through 1969 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with reg-

ulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1965 through 1969 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1965 through 1969 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Section 353(c)(7) of the act, as amended, provides that, if the national acreage allotment of rice for 1970 is less than the national acreage allotment of rice for 1965, the Secretary shall formulate and carry out an acreage diversion program for rice for such year designed to support the gross income of rice producers at a level not lower than that for 1965, minus any reduction in production costs resulting from the reduced rice acreage.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, and county normal yields for the 1970 crop of rice, including national, State, and county reserves, and announcing the period of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions must be postmarked not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C. on September 29, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural
Stabilization and Conservation Service.

[F.R. Doc. 69-11868; Filed, Oct. 3, 1969;
8:46 a.m.]

Consumer and Marketing Service
[7 CFR Part 925]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Approval of Expenses and Fixing of Rate of Assessment for 1969-70 Fiscal Period

Consideration is being given to the following proposals submitted by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, during the period July 1, 1969, through June 30, 1970, will amount to \$5,645.

(2) That there be fixed, at \$0.005 per one-half bushel or equivalent quantity of fresh prunes, the rate of assessment payable by each handler in accordance with § 925.41 of the aforesaid marketing agreement and order.

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

Dated: September 30, 1969.

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

[F.R. Doc. 69-11872; Filed, Oct. 3, 1969; 8:47 a.m.]

[7 CFR Part 945]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945).

This marketing order program regulates the handling of Irish potatoes grown in Idaho and Malheur County, Oreg., and is effective under the Agri-

cultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

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

The proposals are as follows:

§ 945.222 Expenses and rate of assessment.

(a) *Expenses.* The reasonable expenses that are likely to be incurred during the fiscal period ending May 31, 1970, by the Idaho-Eastern Oregon Potato Committee, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, will amount to \$33,000.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and this part, shall be \$0.0026 per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period.

(c) *Reserve.* Unexpended income in excess of expenses for the fiscal period ending May 31, 1970, may be carried over as a reserve.

(d) *Definition of terms.* Terms used in this section have the same meaning as when used in the said amended marketing agreement and this part.

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

Dated: September 30, 1969.

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

[F.R. Doc. 69-11871; Filed, Oct. 3, 1969; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 531]

WAGE PAYMENTS UNDER FAIR LABOR STANDARDS ACT OF 1938

"Reasonable Cost" Determination

Pursuant to section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004) and Secretary of Labor's Order No. 19-67 (32 F.R. 12980), in order to modify the descriptions of the term "reasonable cost" to indicate clearly that it applies only to those costs attributable to facilities actually furnished employees, it is proposed to revise § 531.3(b) of Title 29 of the Code of Federal Regulations to read as set out below.

Interested persons are invited to send written data, views, or arguments concerning this proposal to the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C. 20210, within 30 days after its publication in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 531.3 General determinations of "reasonable cost."

(b) "Reasonable cost" does not include (1) a profit to the employer or to any affiliated person, or (2) costs of any items which provide no benefit or only incidental benefit to the employee, such as advertising, credit card and franchise expenses, and maintenance costs and interest on investment in meeting and banquet rooms, customer's parking lots and public dining rooms that are maintained principally for the public.

(Sec. 3(m), 52 Stat. 1060; 29 U.S.C. 203(m))

Signed at Washington, D.C., this 29th day of September 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour
and Public Contracts Divisions.

[F.R. Doc. 69-11854; Filed, Oct. 3, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 16]

MACARONI AND NOODLE PRODUCTS

Identity Standards; Listing of Inactive Dried Torula Yeast as Optional Ingredient

1. Notice is given that a petition has been filed by Lake States Division of St. Regis Paper Co., Rhinelander, Wis. 54501, proposing that standards of identity for enriched macaroni and enriched noodle products (§§ 16.9 and 16.10) be amended to permit the optional use of inactive dried torula yeast (*Candida utilis*) as a source of the vitamins and minerals required in enriched macaroni and enriched noodle products.

Grounds given in support of the proposal are that use of such yeast will provide, at a lower cost, a natural source of protein and vitamin B complex vitamins equal in all respects to *Saccharomyces cerevisiae* dried yeast.

Accordingly, it is proposed that §§ 16.9 (a) (5) and 16.10(a) (5) be revised to read as follows:

§ 16.9 Enriched macaroni products; identify; label statement of optional ingredients.

(a) * * *

(5) Each such food may be supplied, wholly or in part, with the prescribed

quantity of any substance referred to in subparagraphs (1), (2), and (3) of this paragraph through the use of dried yeast, dried torula yeast, partly defatted wheat germ, enriched farina, or enriched flour, or through the direct additions of any of the substances prescribed in subparagraphs (1), (2), and (3) of this paragraph.

§ 16.10 Enriched noodle products; identity; label statement of optional ingredients.

(a) * * *

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3) of this paragraph through the use of dried yeast, dried torula yeast, partly defatted wheat germ, enriched farina, or enriched flour, or through the direct additions of any of the substances prescribed in subparagraphs (1), (2), and (3) of this paragraph.

Due to cross-references, adoption of the above amendments would have the effect of making dried torula yeast a permitted ingredient also of enriched vegetable macaroni products and enriched vegetable noodle products (§§ 16.11 and 16.12).

2. The Commissioner of Food and Drugs, on his own initiative, proposes that the standard of identity for enriched macaroni products made with nonfat milk (§ 16.14) be amended to permit the optional use of inactive dried torula yeast (*candida utilis*) for the same reasons described above.

Accordingly, it is proposed that § 16.14 (a) (3) be revised to read as follows:

§ 16.14 Enriched macaroni products made with nonfat milk; identity; label statement of optional ingredients.

(a) * * *

(3) Each such food contains in each pound not less than 4 milligrams and not more than 5 milligrams of thiamine, not less than 1.7 milligrams and not more than 2.2 milligrams of riboflavin, not less than 27 milligrams and not more than 34 milligrams of niacin or niacinamide, and not less than 13 milligrams and not more than 16.5 milligrams of iron (Fe). These substances may be added through direct addition or wholly or in part through the use of dried yeast, dried torula yeast, partly defatted wheat germ (as provided for in subparagraph (4) of this paragraph), enriched farina, or enriched flour. They may be added in a harmless carrier, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished food. Iron may be added only in a form that is harmless and assimilable.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner

of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: September 29, 1969.

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

[F.R. Doc. 69-11849; Filed, Oct. 3, 1969;
8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-EA-108]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Hyannis, Mass. (34 F.R. 4591) control zone.

Since designation of controlled airspace at Hyannis, Mass., the instrument approach procedures for Barnstable Municipal Airport have been revised. In addition, the criteria for the designation of control zones have changed. Application of the current airspace criteria to Barnstable Municipal Airport requires an increase in the control zone basic radius circle from 4 miles to 5 miles. Additionally, it permits the revocation of the present control zone extensions.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views 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 Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hyannis, Mass., proposes the airspace action hereinafter set forth:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Hyannis, Mass., control zone description by deleting the description and inserting in lieu thereof the following:

Within a 5-mile radius of the center, 41°40'10" N., 70°16'45" W., of Barnstable Municipal Airport, Hyannis, Mass. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

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

Issued in Jamaica, N.Y., on September 19, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-11906; Filed, Oct. 3, 1969;
8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-103]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wrightstown, N.J., 700-foot transition area (34 F.R. 249, 4788).

The VOR-1 instrument approach procedure for Flying W Ranch, Lumberton, N.J., requires alteration of the 700-foot transition area to provide additional airspace protection for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views 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 Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Wrightstown, N.J., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to:

Insert in the description of the Wrightstown, N.J., 700-foot transition area, following the words, "Asbury Park-Neptune Airport 5-mile radius area to the VOR", the words, "within a 5-mile radius of the center, 39°56'05" N., 74°48'30" W., of Flying W Ranch Airport, Lumberton, N.J. within 2.5 miles each side of the North Philadelphia VOR 134° radial extending from the Flying W Ranch 5-mile radius area to 21 miles southeast of the North Philadelphia VOR".

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

Issued in Jamaica, N.Y., on September 19, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[P.R. Doc. 69-11907; Filed, Oct. 3, 1969;
8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-109]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Blacksburg, Va., transition area (34 F.R. 4652).

Since designation of controlled airspace at Blacksburg, Va., the VOR/DME Rwy 8 instrument approach procedure for VPI Airport, Blacksburg, Va., has been revised and a new NDB (ADF) Rwy 8 instrument approach procedure has been established for that airport. In addition, criteria for the designation of transition areas have changed. Accordingly, it is necessary to alter the Blacksburg, Va., transition area to protect aircraft executing these procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing

is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views 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 Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Blacksburg, Va., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Blacksburg, Va., transition area, "within 2 miles each side of the Pulaski VORTAC 064° radial extending from the 6-mile radius area to the VORTAC" and insert the following in lieu thereof, "within 4 miles northwest and 3 miles southeast of the Pulaski VORTAC 064° radial, extending from the 6-mile radius area to 3 miles northeast of the Pulaski VORTAC".

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

Issued in Jamaica, N.Y., on September 19, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[P.R. Doc. 69-11908; Filed, Oct. 3, 1969;
8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-62]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the transition area which was recently designated (34 F.R. 13590) at Raton, N. Mex., and which becomes effective October 16, 1969.

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, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. 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 Chief, Air Traffic Division. 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 Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637, 13590), the Raton, N. Mex., transition area is amended to read:

RATON, N. MEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Crews Field (lat. 36°44'30" N., long. 104°30'00" W.) excluding that portion northwest of a line 5 miles northwest of and parallel to the Cimarron VORTAC 051° radial, within 3.5 miles northwest and 6 miles southeast of the Cimarron VORTAC 051° radial extending from the 8.5-mile radius area to 17.5 miles northeast of the VORTAC, and within 3.5 miles each side of the Cimarron VORTAC 051° radial extending from 17.5 miles northeast to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6.5 miles northwest of the Cimarron VORTAC 051° radial extending from the VORTAC to 45 miles northeast, within 16.5 miles southeast of the Cimarron VORTAC 051° and 231° radials extending from 1.5 miles southwest to 29 miles northeast of the VORTAC, and within 8.5 miles southeast of the Cimarron VORTAC 051° radial extending from 29 miles northeast to 45 miles northeast of the VORTAC.

The proposed transition area alteration will provide controlled airspace for aircraft executing NDB (ADF) instrument approach/departure procedures proposed at Crews Field, Raton, N. Mex. Although these new procedures are based on the Raton radio beacon, the proposed description of the additional airspace is based on the Cimarron VORTAC to simplify the description and charting and to preclude the designation of numerous and oddly shaped extensions.

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 Fort Worth, Tex., on September 25, 1969.

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

[P.R. Doc. 69-11909; Filed, Oct. 3, 1969;
8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-100]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part

71 of the Federal Aviation Regulations so as to designate a 700-foot transition area over Petersburg Municipal Airport, Petersburg, Va.

The new NDB (ADF) RWY 5 and VOR RWY 23 instrument approach procedures authorized for Petersburg Municipal Airport will require designation of a 700-foot transition area to provide airspace protection for aircraft executing these procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views 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 Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Petersburg, Va., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Petersburg, Va., transition area as follows:

PETERSBURG, VA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (37°11'05" N., 77°30'30" W.) of Petersburg Municipal Airport, Petersburg, Va.; within 4.5 miles each side of the 226° bearing from the Petersburg RBN (37°07'48" N., 77°34'30" W.) extending from the 8.5-mile radius area to 11.5 miles southwest of the RBN and within 2 miles each side of the runway 32 centerline extended from the 8.5-mile radius area to 9 miles northwest of the end of the runway, excluding the portion that coincides with the Richmond, Va., transition area.

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

Issued in Jamaica, N.Y., on September 19, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-11910; Filed, Oct. 3, 1969; 8:49 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 195]

[Notice 69-27; Docket No. HM-6]

TRANSPORTATION OF LIQUIDS BY PIPELINE

Notice of Public Hearing

On July 12, 1968, the Hazardous Materials Regulations Board issued a notice of proposed rule making (Notice No. 68-4; 33 F.R. 10213, published July 17, 1968) setting forth a complete revision of Part 180 of the Hazardous Materials Regulations of the Department of Transportation. This notice contained proposed requirements for the design, construction, testing, operation, and maintenance of pipelines carrying certain materials in liquid form. A final regulation based on this proposal has been issued and is published elsewhere in this issue of the *FEDERAL REGISTER* (see p. 15473). However, as noted in the preamble to that regulation, it appears that further public comment on the proposals contained in that notice would be helpful in resolving certain questions that have been raised. These proposals therefore have not been included in the final rule. To further assist it in resolving these questions, the Board will conduct a public hearing at 10 o'clock on November 18, 1969, in the Department of Transportation Building (Federal Office Building 10A), 800 Independence Avenue SW., Washington, D.C.

The proposals that have not been acted upon, and therefore retain their status as proposed regulations, are (1) the definitions of "internal design pressure" and "maximum operating pressure"; (2) proposed § 180.106, *Internal pressure design: Minimum wall thickness*; (3) proposed § 180.406, *Limit on operating pressure*; and (4) Subpart E—*Hydrostatic testing*. The Board is primarily interested in additional public comment on the questions of how to establish limitations on operating pressures and the manner in which required testing pressures and procedures should relate to those limitations. These two broad questions can be broken down into a number of more specific questions in several related areas.

Minimum wall thickness. Before 1959, the pressure design formula in the ASA B31 codes used an 85 percent stress factor and provided for a "minimum wall thickness". Since that time, the formula has used a 72 percent stress factor in the formula to provide "nominal wall thickness". The notice proposed to return to a computation of "minimum wall thickness" but did not adjust the stress factor to compensate for this fact. Therefore, considering present minus wall tolerances in nominal wall thickness, the proposed pressure design formula could require up to a 12½ percent reduction in design pressure or an equivalent increase in nominal wall thickness. The questions are then: (1) Should the "minimum wall thickness" formula be adopted as proposed? or (2) should a

"minimum wall thickness" formula be adopted but with an adjusted stress factor to compensate for the change from "nominal" to "minimum" (83 percent would compensate for all minus wall tolerances in present-day pipe specifications)? or (3) should the formula be a nominal wall thickness formula as it is generally used today?

Surge pressure. The notice proposed to establish as the maximum allowable pressure (internal design pressure), a pressure that produced a stress level of 72 percent of specified minimum yield strength. This maximum pressure included pressures that resulted from surge in the line. This proposed maximum was objected to by most commenters on the ground that no reasons were given for changing the present industry standard which permits an increase of pressure due to surges of up to 10 percent in excess of the pressure which produces a 72 percent stress level. If a pressure resulting in a 72 percent stress level is the maximum safe steady state operating pressure, what are the safety factors involved that permit surge pressures to exceed this by as much as 10 percent? Are surge pressures less likely to damage or rupture the line than a steady state pressure? Or is it the infrequency of surge pressures that lowers the probability of causing an accident? Or are the economic costs and lack of technical capability to limit surge pressures, or both, the major considerations in allowing these different limitations on surge and steady state pressures? Should the steady state operating pressure be allowed to produce 72 percent stress levels with surge pressures in excess of that limit? Or does a surge to a stress level of 79.2 percent in a "thin pipe", i.e., pipe that has an actual wall thickness that is only 87.5 percent of the listed nominal wall thickness, when considered in conjunction with possible corrosion and external stress on the pipe, allow too little margin for safety? If surge pressure exceeding the 72 percent stress level is permitted, what is the industry's technical capability for controlling surge pressure? Can the latest devices and procedures limit surge pressures to 7 percent? To 5 percent? To 3 percent?

Cost-benefit. What would be the cost of installing necessary equipment to limit surge pressures, on new lines and on existing lines, to control all surges at a maximum of 7 percent of maximum operating pressure? At 5 percent of MOP? At 3 percent of MOP? If the technical capability does not exist, or would be prohibitively expensive, what would be the cost in loss of throughput, on new lines and on existing lines, of limiting surge pressure of 7 percent of maximum operating pressure (MOP equals 72 percent stress level)? To 5 percent of MOP? To 3 percent of MOP?

Maximum operating pressure/test pressure. As indicated with respect to the questions on minimum wall thickness and surge pressure, the Board would like to have additional comment on whether the MOP should be set somewhere below the 72 percent stress level to compensate for these factors or whether a 72 percent

stress level is low enough to provide an adequate margin of safety. In addition to these factors, a very significant consideration is the relationship between the maximum operating pressure and the pressure at which the pipeline has been hydrostatically tested and, further, the relationship between these two pressures and the yield strength of the pipe. The notice proposed a test pressure of 140 percent of maximum operating pressure, as set by the carrier. If MOP were set at a 72 percent stress level, under this proposal the test pressure would result in a stress level of approximately 100 percent of the specified minimum yield strength. Does the 40 percent above MOP require an unnecessarily high test pressure or would 25 percent be adequate? What percentage is necessary if surge pressure and minus wall tolerances are not compensated for in MOP? For example, as indicated above, the present industry practice is that (1) "t" in the design formula is "nominal" wall thickness, (2) maximum allowable pressure, including surge, is that pressure which produces a stress of 79.2 percent of specified minimum yield strength, and (3) the normal hydrostatic test pressure is that pressure which produces a stress of 90 percent of specified minimum yield strength. Therefore, it is possible that there will be a margin of only about 11 percent between the maximum allowable pressure with surge and the test pressure, even though the wall thickness of the pipe may be as much as 12½ percent less than the "nominal" wall thickness stated. Is this margin adequate to cover contingencies such as corrosion, external loads, and other normally anticipated factors that can affect the strength of a pipeline?

Another question that should be addressed is whether there should be a minimum test pressure specified that does not relate to the "maximum operating pressure" chosen by the operator. That is, in order to test a new pipeline for construction defects, should the line be tested to a fixed percentage of yield

without regard to the pressure that the line will be operating under?

Testing to yield strength. Since the proposed regulations, under some circumstances, could have required testing to 100 percent of yield strength, a number of comments were received on this subject. The comments indicated that there is considerable disagreement within the industry as to whether this is a desirable practice. The Board would appreciate further discussion of the pros and cons of testing pipelines to either 100 percent or greater of specified minimum yield strength.

General comment. The above questions indicate the areas in which the Board is primarily interested in receiving additional information. Since the proposed rules that have been withheld are still proposals, commentators are not limited to the specific questions raised. Should there be any other aspect of testing or operating limitations that a person is interested in, he should feel free to express an opinion at the hearing. However, the Board requests that the primary attention be focused on the questions discussed above. In this regard, please note that proposed Subpart G—Qualification and Requalification of Pipelines, has been withdrawn. If the Board decides at some time in the future to establish regulations in this area, they will be formally proposed in another rulemaking proceeding. Since this would afford adequate opportunity to comment at that time, comments should not be addressed specifically to these provisions at the hearing. One additional question relates to the effective date of the amendments that result from this hearing. Assuming for the purpose of this question that the more stringent requirements are adopted, how long should the effective date be postponed to allow adequate lead time for designing and ordering materials for a pipeline system?

The hearing will be an informal one conducted by the Board. It will not be a judicial or evidentiary type of hearing.

There will be no cross-examination of persons presenting statements. A staff member of the Office of Hazardous Materials will make an opening statement outlining the problem. Interested persons will then have an opportunity to present their initial oral statements. Statements should focus on the issues raised by this notice and the notice published in the July 17, 1968, *FEDERAL REGISTER*. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures for the conduct of the hearing will be announced at the hearing.

Interested persons are invited to attend the hearing and present oral or written statements on the matters set for hearing. These statements will be made a part of the record of the hearing, the transcript of which will be a matter of public record. Any person who wishes to make oral statements at the hearing should notify the Secretary of the Hazardous Materials Regulations Board by November 12, 1969, stating the amount of time required for his initial statement.

All communications concerning this hearing should be addressed to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590.

This notice is issued under the authority of sections 831-835 of title 18, United States Code, and 6 (e) (4) and (f) (3) (A) of the Department of Transportation Act (49 U.S.C. 1655 (e) (4) and (f) (3) (A) and § 1.4(d) (6) of the Regulations of the Office of the Secretary of Transportation.

Issued in Washington, D.C., on September 29, 1969.

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

[F.R. Doc. 69-11912; Filed, Oct. 3, 1969;
8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 111]

REGIONAL FISCAL MANAGEMENT OFFICERS ET AL.

Delegation of Authority

Pursuant to authority vested in the Commissioner of Internal Revenue by 31 CFR Part 5, the authority for administrative collection, compromise, or termination, or suspension of agency collection action under the Federal Claims Collection Act of 1966 is hereby delegated as follows:

Regional Fiscal Management Officers; Chiefs, Fiscal Management Branches; the Chief, National Office Accounting Branch; the National Office Safety Management Officer; Chiefs, Facilities Management Branches; and Chief, Fiscal Division, IRS Data Center, shall take aggressive action, on a timely basis with effective followup, to collect claims of the United States for money or property arising out of the activities of, or referred to, the Service.

Regional Fiscal Management Officers; Chiefs, Fiscal Management Branches; Chief, Fiscal Division, IRS Data Center; and Chief, National Office Accounting Branch are authorized to compromise claims, or terminate, or suspend collection action on such claims up to \$20,000 exclusive of interest (except claims arising from damage to Government property or breach of contract cases) upon written recommendation of Chief Counsel or his designee, and may terminate collection action on such claims up to \$50 without the recommendation of Chief Counsel.

The National Office Safety Management Officer; and Chiefs, Facilities Management Branches are authorized to compromise claims or terminate, or suspend collection action on claims arising from damage to (or loss of) Government property, or breach of contract cases up to \$20,000 upon written recommendation of Chief Counsel or Regional Counsel, and may terminate collection action on such claims up to \$50 without the recommendation of Chief Counsel.

This order does not apply to tax claims nor any claim where there is an indication of fraud or misrepresentation on the part of the debtor.

The authority delegated herein may not be redelegated.

Date of issue: October 1, 1969.

Effective date: October 1, 1969.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner.

[P.R. Doc. 69-11862; Filed, Oct. 3, 1969; 8:46 a.m.]

MANNIE GREENWALD

Notice of Granting of Relief

Notice is hereby given that Mannie Greenwald, 3522 West 84th Place, Chicago, Ill., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 2, 1954, in the U.S. District Court, Northern District of Illinois (Chicago) of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mannie Greenwald, because of such conviction to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction it would be unlawful for Mr. Greenwald to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered Mr. Greenwald's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Mr. Greenwald from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Mannie Greenwald be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of September 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[P.R. Doc. 69-11863; Filed, Oct. 3, 1969; 8:46 a.m.]

BRUCE C. MALONE

Notice of Granting of Relief

Notice is hereby given that Bruce C. Malone, 13 Central Street, Somersworth, N.H., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on April 1, 1962, in the Superior Court within and for the county of Rockingham, N.H., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Bruce C. Malone, because of such convictions to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such convictions it would be unlawful for Mr. Malone, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered Bruce C. Malone's application and have found:

(1) The convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Bruce C. Malone from disabilities incurred by reason of his convictions, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Bruce C. Malone be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C. this 29th day of September 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[P.R. Doc. 69-11864; Filed, Oct. 3, 1969; 8:46 a.m.]

LEROY SMITH

Notice of Granting of Relief

Notice is hereby given that Leroy Smith, 323 McLaurin Avenue, McColl, S.C., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment or possession of firearms incurred by reason of his conviction on March 25, 1938, in the Dillon County Court, Dillon, S.C., of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(c) (20). Unless relief is granted, it will be unlawful for Leroy Smith, because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Smith to receive, possess or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered Leroy Smith's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Leroy Smith from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Leroy Smith be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment or possession of firearms incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of September 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-11865; Filed, Oct. 3, 1969;
8:46 a.m.]

Office of Foreign Assets Control
NICKEL SULPHATE FROM THE
U.S.S.R.

Detention by Customs

The Office of Foreign Assets Control has reason to believe that nickel sulphate produced in the U.S.S.R. may be

made or derived in whole or in part from forms of nickel which are of Cuban origin.

Notice is hereby given that, effective as of October 3, 1969, imports of nickel sulphate directly or indirectly from the U.S.S.R. will be detained by Customs until such time as their release from Customs custody, or other disposition thereof, is authorized by the Office of Foreign Assets Control under the provisions of the Cuban Assets Control Regulations (31 CFR Part 515).

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

[F.R. Doc. 69-11975; Filed, Oct. 3, 1969;
11:13 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 2258]

CALIFORNIA

Notice of Proposed Withdrawal and
Reservation of Lands; Correction

SEPTEMBER 29, 1969.

The Department of the Army, Sacramento District, Corps of Engineers, Sacramento, Calif., has corrected the land description for proposed withdrawal Sacramento 2258 under section 18, T. 17 N., R. 17 E., Mount Diablo Meridian, as it appeared in F.R. Doc. 68-15369, at page 19853 of the issue for December 27, 1968. The description is corrected to read:

Sec. 18, a portion of SE¼ described as follows: Beginning at the corner common to secs. 17, 18, 19, and 20, thence, S. 88°26'42" W., 725.63 feet along the south line of sec. 18 to the westerly line of a proposed access road; thence N. 9°25'46" W., 1,333.78 feet along said westerly line to the east-west center line of the SE¼ of sec. 18; thence N. 88°06'48" E., 917.57 feet along said east-west center line to the east line of sec. 18, the south ½ corner between secs. 17 and 18; thence S. 1°09'29" E., 1,326.54 feet along said east line to the point of beginning and containing 24.97 acres, more or less, in Nevada and Placer Counties. The coordinates used are based on California Zone 2.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-11852; Filed, Oct. 3, 1969;
8:45 a.m.]

[Wyoming 15948]

WYOMING

Notice of Classification of Public Lands
for Multiple Use Management

SEPTEMBER 29, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below are hereby classified for

multiple use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Several objections were received following the publication of Notice of Proposed Classification (33 F.R. 234). Testimony presented at the formal hearing held January 15, 1969, recommended that portions of the land proposed for multiple use management should not be classified until further detailed studies are conducted. The comments prompted further study which substantiated the merits of certain suggested changes, and accordingly, some lands have been deleted from the original classification proposal. The record showing comments received is on file and can be examined in the Worland District Office, Worland, Wyo.

3. The public lands affected by this classification are located within the following described area and are shown as Area I on the Park County map in the Worland District Office, and at the Land Office of the Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyo.

SIXTH PRINCIPAL MERIDIAN

Tps. 48 to 58 N., R. 98 W.

T. 48 N., R. 99 W.

T. 49 N., R. 99 W.

Secs. 1, 2, 3, secs. 10 to 15, inclusive, sec. 22 to 27 inclusive, and secs. 34, 35, and 36.

T. 50 N., R. 99 W.

Secs. 1 to 14, inclusive, lots 6, 13, 15, 24, 32, 33 sec. 15, lots 10, 11, 20 and 21 sec. 16, secs. 18, 19, SW¼SW¼ sec. 20, sec. 22 to 27, inclusive, and secs. 34, 35, and 36.

T. 51 to 58 N., R. 99 W.

T. 47 N., R. 100 W.

Secs. 1 to 5, inclusive, E½ sec. 6, E½ sec. 7, secs. 8 to 17, inclusive, E½ sec. 18, sec. 20 to 24, inclusive, W½ sec. 27, sec. 28, 29, E½ sec. 31, sec. 32, 33, and N½NW¼ sec. 34.

T. 48 N., R. 100 W.

Sec. 1, S½ sec. 3, and secs. 10 to 36, inclusive.

T. 50 N., R. 100 W.

Secs. 1 to 17, inclusive, lots 1 and 6, NE¼, NE¼NW¼, sec. 18, E½ sec. 19, sec. 20 to 23, inclusive, N½N½ sec. 25, N½ sec. 26, N½ sec. 27, N½N½ sec. 28, and N½NE¼ sec. 29.

T. 51 to 58 N., R. 100 W.

T. 50 N., R. 101 W.

Sec. 1, E½, E½W½ sec. 2, and sec. 12.

T. 51 N., R. 101 W.

Secs. 1 to 27, inclusive, N½ sec. 30, and secs. 35 and 36.

T. 52 to 56 N., R. 101 W.

T. 57 N., R. 101 W.

Sec. 8 to 35, inclusive.

- T. 51 N., R. 102 W.,
Secs. 3, 6, 7, 8, 9, 10, and 18.
T. 52 N., R. 102 W.,
Secs. 1 to 18, inclusive, E $\frac{1}{2}$ sec. 19, secs. 20 to 29, inclusive, and secs. 31 to 36, inclusive.
T. 53 N., R. 102 W.,
Secs. 1 and 2, lots 9, 10, 14 sec. 3, and secs. 7 to 36, inclusive.
T. 54 N., R. 102 W.,
N $\frac{1}{2}$ sec. 1, secs. 13, 14, 24, 25, 26, 35, and 36.
T. 55 N., R. 102 W.,
Secs. 1 to 18, inclusive, N $\frac{1}{2}$ sec. 22, N $\frac{1}{2}$ sec. 23, and sec. 24.
T. 56 N., R. 102 W.,
T. 57 N., R. 102 W.,
E $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 13, and sec. 36.
T. 51 N., R. 103 W.,
Secs. 12 and 13.
T. 52 N., R. 103 W.,
Secs. 1, 2, 3, lots 1, 6, 7, 8 sec. 4, and secs. 12 and 13.
T. 53 N., R. 103 W.,
Secs. 6 to 29, inclusive, E $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 33, and secs. 34, 35, and 36.
T. 55 N., R. 103 W.,
E $\frac{1}{2}$ sec. 1 and E $\frac{1}{2}$ sec. 12.
T. 56 N., R. 103 W.,
Secs. 1 to 30, inclusive, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$ sec. 31, NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 32, lot 1 sec. 34, and lots 1, 2, 3, 4, 5, 6, and N $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 36.
T. 54 N., R. 104 W.,
E $\frac{1}{2}$ sec. 25 (unsurveyed) and E $\frac{1}{2}$ sec. 36 (unsurveyed).

The public lands in the area described above aggregate approximately 387,348 acres.

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

DANIEL P. BAKER,
State Director.

[F.R. Doc. 69-11853; Filed, Oct. 3, 1969;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation SALES OF CERTAIN COMMODITIES October Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

1. The U.S. Department of Agriculture announced the minimum prices at which Commodity Credit Corporation (CCC) commodity holdings are available for sale, beginning at 3 p.m., e.d.t., September 30, 1969. These prices, subject to amendment, will continue until superseded by the November Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flax-

seed, rye, rice, grain sorghum, soybeans, peanuts, tung oil, cottonseed oil, cottonseed meal, butter, and nonfat dry milk.

With the 1969-crop marketing year beginning October 1 for corn and grain sorghum, the October list includes minimum pricing for this commodity based on 1969 price-support loan rates at the 115 percent level. However, a flat markup representing 15 percent of the national average loan rate and warehouse receiving charges is being used in computing minimum prices for barley, oats, and grain sorghum as opposed to the previous method of applying 115 percent to the loan rate at each point of sale. The Agricultural Act of 1949 statutory minimum price listings for corn, barley and grain sorghum are being discontinued since they were higher than the feed grain minimum prices and consequently ineffective from a sales standpoint.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list. For commodities stored at other locations, the information may be attained from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

2. In the following listing of Commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-4) for October 1969 are 6 $\frac{3}{4}$ percent for U.S. bank obligations and 7 $\frac{3}{4}$ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, bulgur, corn, corn-

meal, grain sorghum, upland and extra long staple cotton, milled and brown rice, tobacco, cottonseed oil, cottonseed meal, raisins, soybean oil, linseed oil, flaxseed, dairy products, tallow, lard, breeding cattle, and rye. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM-4.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Upland cotton and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malted barley), oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS-1, as amended; cottonseed oil and soybean oil under Announcement PS-2; tobacco under Announcement PS-3; and upland and extra long staple cotton under Announcement PS-4; and inedible tallow and grease under Announcement PS-5; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter, Hard Red Spring, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of the Assistant Sales Manager, Barter, Export Marketing Service, USDA, Washington, D.C. 20250.

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

6. Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offeror to meet contract obligations of the type contemplated in this announcement. If a prospective offeror is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offeror of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offeror will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in quantities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

7. On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated under the Export Control Act of 1949. These restrictions also apply to any commodities purchased from the Commodity Credit Corporation whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce Comprehensive Export Schedule. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable*. Market price, as determined by CCC, but not less than 115 percent of the applicable 1969 price-support loan rate² for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable*. At not less than market price, as determined by CCC.

C. *Markups and examples* (dollars per bushel in-store).³

Markup in-store received by—		Examples
Truck	Rail or barge	
\$0.08 1/4	\$0.06	Minneapolis—No. 1 DNS (\$1.57) 115 percent +\$0.06; \$1.57. Portland—No. 1 SW (\$1.45) 115 percent +\$0.06; \$1.51. Kansas City—No. 1 HRW (\$1.45) 115 percent +\$0.06; \$1.51. Chicago—No. 1 RW (\$1.45) 115 percent +\$0.06; \$1.51.

Export.

A. CCC will sell limited quantities of Hard Red Winter, Durum, and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR-345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR-345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, east longitude, and east of the 60th meridian, east longitude, and to ports on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

Available, Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

SOYBEANS, BULK

Unrestricted use.

A. *Storable—Port positions* (basis Grade 1 in-store). Market price but not less than \$2.60 per bushel at Great Lakes terminals; \$2.66 gulf; and \$2.67 east coast.

Interior positions (basis Grade 1 in-store). Market price but not less than the 1969 base loan rate where stored plus 29 cents per bushel.

Market discounts will be applied in determining the minimum price of lower grades.

B. *Nonstorable*. At not less than the market price as determined by CCC.

Available, Kansas City, Chicago, and Minneapolis ASCS Grain Offices.

CORN, BULK

Unrestricted use.

A. *Storable—Redemption of domestic payment-in-kind certificates*. Market price as determined by CCC, but not less than 115 percent of the applicable 1969 price-support loan rate² for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *Nonstorable*. At not less than market price as determined by CCC.

See footnotes at end of document.

C. *Markups and examples* (dollars per bushel in-store¹ basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).

Markup in-store	Examples
\$0.04	Feed grain program domestic PIK certificate minimums: McLean County, Ill. (\$1.00+\$0.02) 115 percent +\$0.04; \$1.03.

Available, Chicago, Kansas City, Minneapolis, and Portland ASCS grain offices.

GRAIN SORGHUM, BULK

Unrestricted use.

A. *Storable—Redemption of Domestic Payment-In-Kind Certificates (Basis In-Store)*: Market price, as determined by CCC, but not less than the 1969 price-support loan rate where stored for the class, grade, and quality of the grain sorghum plus 31 1/2 cents per cwt. if received by truck or 27 cents per cwt. if received by rail or barge. Sales in October will be made only at port positions. Port sales will be only on a spot track or in-store basis.

B. *Nonstorable*. At not less than market price as determined by CCC.

Available, Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable—Redemption of Domestic Payment-In-Kind Certificates (Basis In-Store)*: Market price, as determined by CCC, but not less than the 1969 price-support loan rate where stored for the class, grade, and quality of the barley plus 21 cents per bushel if received by truck or 18 1/2 cents per bushel if received by rail or barge.

B. *Nonstorable*. At not less than market price as determined by CCC.

Available, Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

OATS, BULK

Unrestricted use.

A. *Storable* (Basis In-Store). Market price, as determined by CCC, but not less than the applicable 1969 price-support rate where stored for the class, grade, and quality of the oats plus 18 cents per bushel.

B. *Nonstorable*. At not less than the market price as determined by CCC.

Available, Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable*. Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent² of the applicable 1969 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples* (dollars per bushel in-store¹ No. 2 or better).

Markup in-store received by—		Examples
Truck	Rail or barge	
\$0.08 1/4	\$0.06	Agriculture Act of 1949; statutory minimums. Holliste County, N. Dak. (\$0.86) 115 percent +\$0.08 1/4; \$1.07 1/4. Minneapolis, Minn. (\$1.22) 115 percent +\$0.08 1/4; \$1.47.

C. Nonstorable. At not less than market price as determined by CCC.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1969 loan rate plus 5 percent, plus 17 cents per hundredweight, basis f.o.b. warehouse.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

FLAXSEED, BULK

Unrestricted use.

A. Storable. Market price, as determined by CCC, but not less than 105 percent of the applicable 1969 price-support rate² for the grade and quality of the flaxseed plus the applicable markup.

B. Markups and example (dollars per bushel in-store No. 1, 9.1-9.5 percent moisture).

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
\$0.10%	\$0.06%	Minneapolis, Minn. (\$3.01); 105 percent + \$0.06%; \$3.23 $\frac{1}{4}$.

C. Nonstorable. At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

COTTON, UPLAND

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO-C-31 (Revised), (Disposition of Upland Cotton—In Liquidation of Rights in a Certificate Pool, Against the "Shortfall," and Under Barter Transactions). Cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) a minimum price determined by CCC which will be based on 110 percent of the price-support loan rate for Middling 1-inch cotton at average location at the time of delivery, plus reasonable carrying charges for the month in which the sale is made. No carrying charges will be added in October. In no event will the price for any cotton be less than 120 points (1.2 cents) per pound above the loan rate for such cotton at the time of delivery.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN-EX-28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO-C-31, as amended, at the prices described in the preceding paragraph B.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO-C-6 (Revision 2). Extra long staple cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the current loan rate for such cotton plus reasonable carrying charges for the month in which the sale is made. No carrying charges will be added in October. Notwithstanding the foregoing, until otherwise announced by CCC, cotton will be available under Announcement NO-C-6 in an amount not to exceed the unsold shortfall at the market price, as determined by CCC.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO-C-20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

COTTONSEED OIL, REFINED (BULK)

Export.

Competitive offers under the terms and conditions of Announcement NO-CS-9. Sales will be made only for export to restricted destinations. Oil sold under NO-CS-9 may be exported only against dollar sales or under the CCC export credit sales program (GSM-4).

Available. New Orleans ASCS Commodity Office.

COTTONSEED MEAL, BULK

Unrestricted use.

Competitive offers for meal located in Arizona and California under the terms and conditions of Announcement NO-CS-8. Delivery periods will commence in October.

Small quantities may be sold on competitive offers in any area if necessary to avoid deterioration or if storage cannot be obtained on a basis satisfactory to CCC.

Available. New Orleans ASCS Commodity Office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga. 31730.
Peanut Growers Cooperative Marketing Association, Franklin, Va. 23851.
Southwestern Peanut Growers' Association, Gorman, Tex. 76454.

Terms and conditions of sale are set forth in Announcement PR-1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM-PR-4 of April 6, 1967, as amended, and the applicable invitation to bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Oilseed and Special Crops Division, ASCS, Telephone Washington, D.C., area code 202, DU 8-3901.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP-14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP-23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP-14: 75.25 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 74.5 cents per pound—Washington, Oregon, and California. All other States 74.25 cents per pound.

FOOTNOTES

¹ The formula price delivery basis for bin-site sales will be f.o.b.

² Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1-0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only), Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353-6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 812, 725-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226-3361.
Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 725-3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527-7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264-8439, 8440, 8441.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525-4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633-8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284-4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 2-3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372-1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442-3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 725-7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587-4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475-3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237-5205.

Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469-6814.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW, Huron, S. Dak. 57350. Telephone: Area Code 605, 352-8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hamersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254-4441, Ext. 7535.

(Issue under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note).)

Signed at Washington, D.C., on September 29, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[P.R. Doc. 69-11836; Filed, Oct. 3, 1969; 8:45 a.m.]

**Office of the Secretary
MEAT IMPORT LIMITATIONS**

Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the act.

In accordance with the requirements of the act the following fourth quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the act be imported during calendar year 1969 is 1,035 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the act during the calendar year 1969 is 988 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the act, limitations for the calendar year 1969 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Public Law 88-482 at this time.

Done at Washington, D.C., this 30th day of September 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[P.R. Doc. 69-11926; Filed, Oct. 3, 1969; 8:50 a.m.]

DEPARTMENT OF COMMERCE

**Bureau of the Census
ANNUAL SURVEYS IN MANUFACTURING AREA**

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to continue or initiate the annual surveys listed below for the year 1969 and for each year thereafter, under the authority of title 13, United States Code, sections 181, 224, and 225. These surveys, most of which have been conducted for many years, are significant in the manufacturing area and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not

available from nongovernmental or other governmental sources.

The establishments covered by these surveys directly account for the bulk of all manufacturing employment. The information to be developed from these surveys is necessary to an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the *FEDERAL REGISTER*.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1967 edition) promulgated by the Bureau of the Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS
Stocks of wool.
Cotton and synthetic woven goods finished.
Narrow fabrics.
Knit cloth.
Woolen and worsted machinery activity.
Yarn production.
Rugs, carpets, and carpeting.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS
Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS
Consumer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Commercial steel forgings.
Steel mill products.
Insulated wire and cable.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Fans, blowers, and unit heaters.
Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radio, televisions, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.
Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports except for construction machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on man-made fiber, silk, woolen, and worsted fabrics, on finishing plants, and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Confectionery products.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen, and worsted fabrics.
Finishing plant report—broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastic bottles.
Rubber.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Closures for containers.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.
Metalworking machinery.
Typewriters.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts.
Truck trailers.

The Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis will cover all manufacturing industries. Data on employment and payrolls for auxiliary establishments of manufacturing companies such as central administrative offices, warehouses, etc. will be included, as well as data on plants under construction but not in operation.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work per-

formed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. This survey was conducted for the years 1963, 1965, and annually since 1966. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

Finally, a survey will be conducted requesting manufacturers to report the volume of products exported, for plants known to have exports valued at more than \$25,000 in 1969. This survey was previously conducted for the years 1960, 1963, and 1966. It is designed to provide useful information on the importance of exports to the economies of States and other geographic areas.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census within 30 days after the date of this publication and will receive consideration.

Dated: September 15, 1969.

GEORGE H. BROWN,
Director, Bureau of the Census.

[F.R. Doc. 69-11845; Filed, Oct. 3, 1969; 8:45 a.m.]

Business and Defense Services Administration

ALBANY MEDICAL COLLEGE

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

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

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

Docket No. 69-00501-33-46040. Applicant: Albany Medical College, 47 New Scotland Avenue, Albany, N.Y. 12208. Article: Electron microscope, Model Elmiskop 1A and Accessories. Manufacturer: Siemens A. G., West Germany. Intended use of article: The article will be almost exclusively used for the basic research to investigate ultrastructural aspects of the pathogenesis of atherosclerosis. To a lesser extent it will be used for educational purposes for the training of junior members of staff in electron microscopy

and to train electron microscopy technicians in the maintenance and care of an electron microscope. The research program is to investigate ultrastructural changes in large blood vessels both naturally occurring at arterial forks and of experimentally induced thickening of blood vessel walls. It is anticipated the microscope will be used for many investigations of this type of material several years to come. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a magnification range from 200 to 500,000 magnifications without the need to change pole pieces. For the purposes for which the article is intended to be used, it will be necessary to scan and photograph the image at the lower end of the magnification range, and then shift to the higher end of the magnification range for determining ultrastructural detail.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 23, 1969, that the capability of producing good micrographs at both low and high magnifications is pertinent to the purposes for which the foreign article is intended to be used.

The most closely comparable domestic electron microscope is the Model EMU-4B which, at the time the applicant ordered the foreign article, was being manufactured by the Radio Corp. of America (RCA). The RCA Model EMU-4B can provide continuous magnification from 400 to 200,000 magnifications without changing pole pieces. But, specification 3c for the EMU-4B reads as follows: "For the highest quality, low magnification electron micrographs in the magnification range between 500x and 70,000x the projector lens system shall be equipped with a special wide bore, long focal length pole piece. This pole piece change shall be accomplished manually and with no need for realignment of the projector lens system." ("Specifications for EMU-4B Electron Microscope SI-103A 6/1/68.")

This indicates that to obtain distortion-free micrographs at magnifications below 1,400x (which is the lower limit of the magnification range with the standard pole piece), it is necessary to change pole pieces. Moreover, the lower limit for "highest quality electron micrographs" appears to be 500 magnifications even when the pole piece is changed on the RCA EMU-4B. In this connection, HEW advises that since each change in pole pieces requires opening the column and thus breaking the vacuum, the probability of specimen contamination is greatly increased. "The range of properly corrected magnification and minimal specimen contamination are pertinent characteristics in this research." (HEW Memorandum cited above.)

For the foregoing reasons, we find that the RCA EMU-4B electron microscope is

not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[P.R. Dec. 69-11878; Filed, Oct. 3, 1969;
8:47 a.m.]

TULARE COUNTY DEPT. OF EDUCATION, CALIF., ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

Docket No. 70-00112-16-61800. Applicant: Tulare County Department of Education, 202 Country Civic Center, Visalia, Calif. 93277. Article: Planetarium and auxiliary projectors, Apollo Model. Manufacturer: Goto Optical Co., Japan. Intended use of article: The article will be used with programs that are available for both elementary and secondary school studies. These programs will be supplemented by actual student operation of the instrument as well as teacher operation. Application received by Commissioner of Customs: August 11, 1969.

Docket No. 70-00120-16-61800. Applicant: Huntington Union Free School District No. 3, 300 Broadway, Box 1500, Huntington, N.Y. 11743. Article: Planetarium and auxiliary projectors, Apollo Model. Manufacturer: Goto Optical Co., Japan. Intended use of article: The article will be used with programs that are available for both elementary and secondary school studies. These programs will be supplemented by actual student

operation of the instrument as well as teacher operation. Application received by Commissioner of Customs: August 13, 1969.

Docket No. 70-00151-33-46040. Applicant: University of Minnesota, Minneapolis, Minn. 55455. Article: Electron microscope, Model EM-801. Manufacturer: Associated Electronic Industries, United Kingdom. Intended use of article: The article will be used to complete the projects outlined below:

(a) A high resolution study of septate junction to clarify its development and detailed structure;

(b) A high resolution study of the ultrastructure of biological membranes;

(c) A high resolution study of the peripheral fibrillar component of elastic fibers for confirmation or rejection of its helical configuration. Application received by Commissioner of Customs: August 22, 1969.

Docket No. 70-00152-33-46040. Applicant: University of Pittsburgh, Fifth and Bigelow Avenues, Pittsburgh, Pa. 15213. Article: Electron microscope, Model EM 300 (2). Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for microbiological and biophysical research and graduate student teaching. The specific projects include the following: (a) The fine structure and assembly of the regularly structured cell wall and membrane layers of the bacteria. The structured layers consist of large numbers of identical morphological units whose fine structure can best be visualized by negative staining; (b) the gross and fine structure, growth rate, distribution over cell surface, and assembly of bacterial pill. Bacterial pill are long hair-like appendages of the cell consisting of assembled protein units. Application received by Commissioner of Customs: August 25, 1969.

Docket No. 70-00153-01-04030. Applicant: Emmanuel College, 400 The Fenway, Boston, Mass. 02115. Article: Guoy balance assembly, Model SGI. Manufacturer: Newport Instruments Ltd., United Kingdom. Intended use of article: The article will be used to provide students in physical chemistry and advanced inorganic chemistry with magnetic susceptibility measurements, and those engaged in undergraduate research problems to measure and observe:

(a) The regular increase in molar magnetic moment for the trivalent metal ions of the first transition series (zero for Sc^{III} to 4.98 Bohr magnetons for Mn^{III}), and the decrease in moments for bivalent metal ions (5.85 for Mn⁺⁺ to zero for Zn⁺⁺).

(b) The difference in the two types of coordination complexes (inner or outer orbital complexes) that ions may form, for example, Fe(CN)⁶⁻ and FeF³⁻.

(c) The effect on magnetic moment of the two different oxidation states of a single element, such as manganese in Mn(II) SO₄ and KMn(VII) O₄.

(d) The different effects of essentially ionic and essentially covalent (or strong crystal-field) bonding on magnetic moment. Application received by Commissioner of Customs: August 25, 1969.

Docket No. 70-00154-00-02000. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratory, Post Office Box 999, Richland, Wash. 99352. Article: Miscellaneous parts for an anemometer-thermometer, Model PAT-311-1. Manufacturer: Kaijo Denki Co., Ltd., Japan. Intended use of article: The parts will be used in conjunction with an existing anemometer-thermometer, Model PAT-311-1, for precise measurement of the turbulent character of the atmosphere. Application received by Commissioner of Customs: August 26, 1969.

Docket No. 70-00155-60-46040. Applicant: University of Washington, College of Forest Resources, Seattle, Wash. 98105. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: The article will be used for the following scheduled and projected investigations:

1. Cytological comparison of *Pseudotsuga menziesii* cambial forming compression wood with those forming normal wood;

2. Cytological comparison of *Pseudotsuga menziesii* cambial tissue grown in vitro with normal Douglas fir cambial.

3. Study of the crystalline structure of cellulose microfibrils in *Pseudotsuga menziesii* xylem cell walls;

4. Examination of machined and fractured wood surfaces;

5. Investigation of the interaction of adhesives and synthetic polymers with wood and cellulose fibers. Application received by Commissioner of Customs: August 26, 1969.

Docket No. 70-00156-33-46500. Applicant: Washington University, School of Medicine, 4550 Scott Avenue, St. Louis, Mo. 63110. Article: Ultramicrotome, LKB 4800A Ultratome I. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used by technicians, residents and graduate students to cut thick (1 micron) sections of plastic embedded tissue for high resolution microscopy. Materials under study are of greatly differing physical properties, including isolated cells, lung, and trachea (including cartilage). Thin sections will be prepared for autoradiography for which uniform section thickness is mandatory in order that quantitative comparisons can be made. Application received by Commissioner of Customs: August 26, 1969.

Docket No. 70-00157-55-17500. Applicant: University of Miami, Coral Gables, Fla. 33124. Article: Current meter, Manufacturer: Ivan Aanderaa, Norway. Intended use of article: The article will be used to measure current velocity and direction, and also has sensors for measuring temperature, salinity, and pressure. This combination of sensors is necessary to observe the characteristics of horizontal and directive water motions in order to distinguish them in the discrimination of internal wave motions. Application

received by Commissioner of Customs: August 26, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[P.R. Doc. 69-11879; Filed, Oct. 3, 1969; 8:47 a.m.]

UNIVERSITY OF CALIFORNIA

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

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

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

Docket No. 69-00502-33-54500. Applicant: University of California, San Francisco Medical Center, Third and Parnassus Avenue, San Francisco, Calif. 94122. Article: Optical attachment for Zeiss photocoagulator. Manufacturer: Dr. W. Lotmar, Switzerland. Intended use of article: The article will be used for both research and educational purposes. Research purposes will encompass the identity of the lesions and the location, the techniques involved, and the objectives to be pursued in the study of the diseases and pathology of the retina. For educational purposes, instructions will be provided throughout a 2-year period in the techniques of use of this instrument so the students can become familiar with contact lens, and its use for peripheral retinal coagulation approximately 10-15 hours teaching per resident at a level of year 3 postdoctoral. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a combination of components which, when assembled, will become an accessory for a photocoagulator previously imported for the use of the applicant institution. The article is being furnished by the manufacturer of the foreign photocoagulator with which the accessory will be used.

We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated June 19, 1969, that it knows of no similar accessory being manufactured in the United States, which is compatible with the foreign photocoagulator with which the article will be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[P.R. Doc. 69-11841; Filed, Oct. 3, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

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

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

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

Docket No. 69-00498-01-10550. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, N. Mex. 87544. Article: Thin layer chromatography equipment. Manufacturer: Chemetron, Italy. Intended use of article: The article will be used in preparing uniform and reproducible preparatory and analytical glass-backed thin layer chromatography plates from a variety of coating materials. These plates are to be used in high-resolution analyses of peptides derived from enzymic digests of chromosomal proteins and protein fractions. The peptides resolved and isolated by preparative thin-layer chromatography will be further investigated with the aid of specific reagents, by autoradiography of labeled peptide preparations and by cross-correlations between standard peptides, known peptides and different-fraction peptide components. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant requires thin-layer chromatography plates which are (a) absolutely uniform, (b) reproducible, and (c) free from commercial binders and stabilizers. We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 3, 1969, that these characteristics, which are possessed by the foreign article, are pertinent to the purposes for which the article is intended

to be used. NBS further advises that commercially standard plates being manufactured in the United States cannot be used for the applicant's research program, because they contain either binders or stabilizers. Moreover, NBS knows of no thin-layer chromatograph apparatus that provides an automatic plate spreading device.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[P.R. Doc. 69-11842; Filed, Oct. 3, 1969; 8:45 a.m.]

UNIVERSITY OF OKLAHOMA

Notice of Amendment to Application for Duty-Free Entry of Scientific Article

The following notice of application published in Volume 34, No. 162 of the *Federal Register* (Saturday, Aug. 23, 1969) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to read: Docket No. 70-00046-88-84500, instead of Docket No. 70-00046-33-84500.

Docket No. 70-00046-88-84500. Applicant: University of Oklahoma, Norman, Okla. 73069. Article: Vacuum evaporator, Model JEE-4C. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used to coat sample zoological and geological specimens with a layer of heavy metal or carbon-metal mixture for scanning electron microscopy. Application received by Commissioner of Customs: July 15, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[P.R. Doc. 69-11843; Filed, Oct. 3, 1969; 8:45 a.m.]

UNIVERSITY OF PENNSYLVANIA

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

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

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

Department of Commerce, Washington, D.C.

Docket No. 69-00494-01-77040. Applicant: University of Pennsylvania, Philadelphia, Pa. 19104. Article: Mass Spectrometer, Model RMH-2. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for advanced chemical research, including analysis of complex organic compounds and study of fragmentation mechanisms of organic ions. Specific experiments as examples of the uses of the article are as follows: (a) precise mass measurement on a variety of samples of organic molecules leading to unique atomic compositions of all ions in the mass spectrum; (b) resolution of isotope doublets arising from isotopically labeled compounds; (c) precise measurement of metastable ion intensities for as many metastables as can be detected in the mass spectra of molecules. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a resolution of 70,000 at 10 percent valley definition. The most closely comparable domestic instrument is the Type 21-110B which is manufactured by the Consolidated Electrodynamics Corp. (CEC). The standard domestic instrument provides a resolution of 30,000 at 10 percent valley definition, but can be modified to provide 50,000 to 55,000 resolution at 10 percent valley definition. The National Bureau of Standards (NBS) advises (memorandum dated June 24, 1969), that for the intended uses of the foreign article, the difference between 55,000 and 70,000 resolution is a pertinent characteristic. The Department of Health, Education, and Welfare (HEW), in its memorandum dated June 20, 1969, concurs in the findings of NBS.

For these reasons, we find that the CEC Type 21-110B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[P.R. Doc. 69-11881; Filed, Oct. 3, 1969; 8:47 a.m.]

UNIVERSITY OF PITTSBURGH

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c)

of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69-00493-33-77030. Applicant: University of Pittsburgh, Fifth Avenue and Bigelow Boulevard, Pittsburgh, Pa. 15213. Article: Nuclear magnetic resonance spectrometer, Model HFX-3. Manufacturer: Bruker-Physik A.G., West Germany. Intended use of article: The article will be used for both teaching and research purposes in the fields of biomedical sciences, namely to correlate the functions of biological molecules to their structure. Initially, the article will be used for the following studies:

1. To investigate the electronic structure and environment of heme groups in both normal and abnormal human hemoglobins by means of ^1H resonance;

2. To investigate the chemical nature of the phosphorous atoms in phosphoproteins and phosphorylated biomolecules (such as α -casein, phosvitin, pepsin, phospholipids, etc.) by means of ^{31}P resonance;

3. To study the binding of ^{27}Mg ions to proteins and nucleic acids by ^{27}Mg resonance;

4. To study the mechanism of formation and structure of the hydrated metal complexes of biological interests in aqueous solutions by ^{17}O resonance;

5. To study the ^{13}C chemical shifts in amino-acids, peptides, proteins, nucleotides, and nucleic acids;

6. To study the ^{15}N chemical shifts in amino-acids, peptides, proteins, nucleotides, and nucleic acids;

7. To use ^{19}F resonance to study protein conformations and to study the enzyme binding sites.

Hydrogen (^1H)—Phosphorus (^{31}P)—Magnesium (^{27}Mg)—Oxygen (^{17}O)—Carbon (^{13}C)—Nitrogen (^{15}N)—Fluorine (^{19}F).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: For the intended uses, the applicant requires a high level of sensitivity when experimenting with either samples that are available only in small quantities and/or in low concentrations of the substance under investigation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of June 20, 1969, that "Essential for high sensitivity is the heteronuclear lock to permit locking on ^1H or ^{19}F while studying less sensitive nuclei, frequently with computer time averaging or with Fourier transform spectroscopy." The foreign article

provides a heteronuclear proton (^1H) lock for ^{13}C , ^{25}Mg , ^{31}P and ^{17}O , as well as Fourier transform for these nuclei.

We are also advised by HEW, that the most closely comparable domestic instrument (the Model HA-100-15 manufactured by Varian Associates (Varian)), does not provide a heteronuclear lock for the above-enumerated nuclei. Moreover, HEW advises that Varian offers Fourier transform for only ^1H .

For the foregoing reasons, we find that the Varian Model HA-100-15 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for
Industry Operations, Business
and Defense Services
Administration.

[F.R. Doc. 69-11844; Filed, Oct. 3, 1969;
8:45 a.m.]

UNIVERSITY OF SOUTHERN CALIFORNIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

Docket No. 70-00129-33-01110. Applicant: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, Calif. 90033. Article: Amino acid analyzer, Model JLC-5AH. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for the following purposes: (1) Basic research in the area of connective tissue biochemistry, specifically in attempting to isolate the cross-links present in normal and patho-

logical forms of collagen, as well as those that occur as a consequence of the aging process and environmental factors (smog). (2) Research training and basic research in rheumatic diseases. Studies of the free amino acids and peptides present in synovial fluid from normal individuals and patients with various joint diseases. Application received by Commissioner of Customs: August 15, 1969.

Docket No. 70-00130-33-43780. Applicant: University of Miami School of Medicine, Post Office Box 875 Biscayne Annex, Miami, Fla. 33152. Article: Thermal bath unit. Manufacturer: L. Eschweiler & Co., West Germany. Intended use of article: The article will be used in the measurement of PCO_2 (Carbon Dioxide Pressure), PO_2 (Oxygen Pressure), and pH in the analysis of experimental samples of animal brain extracts and animal cerebral spinal fluid and blood connected with experimental production and investigation of causes of cerebral edema. Application received by Commissioner of Customs: August 15, 1969.

Docket No. 70-00131-01-77030. Applicant: The University of Georgia, Department of Chemistry, Athens, Ga. 30601. Article: Nuclear magnetic resonance spectrometer, Model R-20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the following research programs:

(1) Exact analysis of complex proton nuclear magnetic resonance spectra in terms of chemical shifts and coupling constants.

(2) Analysis of ^1H , ^{19}F , and ^{13}C nuclear magnetic resonance spectra in terms of chemical shifts and coupling constants.

(3) Variable temperature work for kinetic studies, conformational analysis, determining equilibrium constants, and for detecting the different types of ion pairs formed by hydrocarbon carbanions.

(4) A study of kinetics of proton exchange of substituted anilines is underway.

(5) A study of organometal carbonyls with the organic ligand as the perfluoropropyl group ($\text{CF}_3\text{CF}_2\text{CF}_2\text{M}(\text{CO})_x$).

The educational use is primarily for the instruction of Graduate Students in the use of the nuclear magnetic resonance techniques, as well as in Chemistry 417-418 (principles of molecular spectroscopy). Application received by Commissioner of Customs: August 19, 1969.

Docket No. 70-00132-33-46040. Applicant: Duke University Medical Center, Department of Pathology, Durham, N.C. 27706. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for projects involving the alterations and reactions of cell membranes to injury and the relationship between structure and function in cell membrane. These employ a variety of preparative techniques such as thin sectioning, negative staining and freeze etching. Furthermore, some of the problems involve extremely high resolution studies of macromolecules such as ferri-

tin and of particles such as viruses within the cell. Application received by Commissioner of Customs: August 19, 1969.

Docket No. 70-00133-33-46040. Applicant: Marquette School of Medicine, Inc., 561 North 15th Street, Milwaukee, Wis. 53233. Article: Electron microscope, Model EM 6B and accessories. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used for biological research and student training. Research includes several different areas involving various aspects of cellular physiology pertaining to ultrastructure of membranes or viruses. Investigations include ultrastructural organization and conformation of subunits of bacterial cell wall layers, changes in membranes and organelles during inapparent viral infection with RNA viruses in animal cells grown in cell culture, viral-induced hyperlipemia in embryos involving studies on mitochondrial and other lipid-rich cellular membranes, mutagen induced bacteriophage mutants, and mechanisms of genetic transformation in bacterial cells, especially the visualization of how molecules of transforming DNA invade bacterial cell walls and membranes and how they attach to bacterial cytoplasmic membranes. Application received by Commissioner of Customs: August 19, 1969.

Docket No. 70-00134-33-46040. Applicant: The Ohio State University, Department of Microbial and Cellular Biology, 190 North Oval Drive, Columbus, Ohio 43210. Article: Electron microscope, Model EM 9S and spares. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for teaching and research programs at the College of Biological Sciences. Teaching will take in the techniques of electron microscopy as well as a course offered in cytology. In research this article will be used to study the interactions of microenvironment and microorganisms in Lake Erie. It will also be used to examine the surface of chicken erythrocytes during and after infection of malarial parasites. Application received by Commissioner of Customs: August 19, 1969.

Docket No. 70-00135-33-46040. Applicant: Cornell University, 18 East Avenue, Ithaca, N.Y. 14850. Article: Electron microscope, Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used on studies concerning biomolecular materials with the ultimate aim of a direct electron microscope read-out of the base sequence in nucleic acids. The specific approaches toward this long range goal involves two types of investigations:

(1) Development of suitable substrate films in which random image contrast or "noise" can be eliminated or reduced below a required level.

(2) Study of the phase contrast imaging of molecular dispersions of known sequences of polynucleotides with and without biochemical labelling, and finally applying the developed procedures and methods to actual RNA's.

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

Docket No. 70-00136-33-46500. Applicant: Yale University School of Medicine, 310 Cedar Street, New Haven, Conn. 06510. Article: Ultramicrotome, Model SIDEA "OmU2". Manufacturer: C. Reichert Optische Werke, AG, Austria. Intended use of article: The article will be used for thin sectioning of sections of 60 angstroms of tissue culture cells and transplanted tumors to the brain for electron microscopic examination in connection with studies of the morphology and three dimensional relationships of intracerebral neoplasms. Application received by Commissioner of Customs: August 20, 1969.

Docket No. 70-00139-01-77030. Applicant: Occidental College, 1600 Campus Road, Los Angeles, Calif. 90041. Article: Nuclear magnetic resonance spectrometer, Model JNM-C60-HL and accessory. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used as a multipurpose educational-research instrument. Educational purpose will encompass the following courses:

(a) Chemistry 61-63—Organic Chemistry; Structure and Mechanism.

(b) Chemistry 101-103 — Physical Chemistry—An introduction to the study of thermodynamics, electrochemical properties of systems in equilibrium, chemical kinetics, quantum and statistical mechanics, and spectroscopy.

(c) Chemistry 150 — Instrumental Analysis—The theory, application, and limitations of modern methods of analysis.

Application received by Commissioner of Customs: August 20, 1969.

Docket No. 70-00141-01-77030. Applicant: Sacramento State College, Department of Chemistry, 6000 J Street, Sacramento, Calif. 95819. Article: Nuclear magnetic resonance spectrometer, Model R-20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for both teaching and research. For teaching, it will be used to demonstrate the techniques of nuclear magnetic resonance to first year classes and in subsequent classes let the students themselves operate the instrument. For research, the instrument will be used for studying the following types of problems:

(a) Conformational studies of law and high temperatures and the determination of the activation energies involved.

(b) Structure and conformational determinations utilizing coupling constants and spin decoupling experiments.

(c) Conformational equilibria and structure determination of fluorine containing compounds will be studied.

Application received by Commissioner of Customs: August 21, 1969.

Docket No. 70-00142-33-42500. Applicant: Washington University, Lindell and Skinker Boulevards, St. Louis, Mo. 63130. Article: Liquid-liquid interfacial film balance. Manufacturer: Instrument Workshop of Unilever Research Labora-

tory, United Kingdom. Intended use of article: The article will be used for the investigation of the properties of monolayers of phospholipids at an oil-water interface. Both surface pressure-molecular area and surface potential-molecular area isotherms will be investigated. The determination of these properties is fundamental to the understanding of such processes as cholesterol deposition in arteries and its prevention by phospholipids and unsaturated fatty acids, and in investigations of the physical chemical forces involved in the interaction between phospholipids and enzymes. This article will be specifically used in studies of fatty substances and phospholipids in blood clotting and the relation of these substances to blood clot formation. Application received by Commissioner of Customs: August 22, 1969.

Docket No. 70-00144-33-46500. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Ultramicrotome, Model SIDEA "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. The article will be used to prepare ultrathin single and serial sections, varying in thickness from 0-10,000 angstroms, for electron microscopy studies of metabolic and degenerative disorders of the central nervous system. Application received by Commissioner of Customs: August 22, 1969.

Docket No. 70-00145-00-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Electromagnetic shutter for a Siemens electron microscope. Intended use of article: The article will be used as a photographic accessory to an existing electron microscope. Application received by Commissioner of Customs: August 22, 1969.

Docket No. 70-00146-33-01110. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Mass. 02115. Article: Amino acid analyzer, Model JLC-5AH. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for research and teaching. Assay of micro-quantities of amino acids in multiple samples of tissues, blood and cerebrospinal fluids (CSF) of small animals and of blood, urine, and cerebrospinal fluid of children with central nervous system diseases necessitates that the instrument provide analysis capability of a large number of samples, high sensitivity and high degree of versatility to meet the varying demands of different projects and situations. In addition, for teaching purposes the instrument must provide reliable and stable routine operation and allow demonstration of various advanced techniques. Application received by Commissioner of Customs: August 22, 1969.

Docket No. 70-00147-33-46500. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Ultramicrotome, Model LKB 8800A, Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin tissue sections for electron microscopic study of: First, the

synaptology of the vestibular apparatus, that is the interconnections of the nerves and receptor cells of the inner ear together with spatial relationships; and secondly, the passage of macromolecules and pathenoglobulins through the tissue of the lymph nodes. Due to the dimensions of the structures under investigation, it is essential to be able to section in the 50-100 angstrom range to insure there will be no superposition effects within the section to be observed. Application received by Commissioner of Customs: August 22, 1969.

Docket No. 70-00148-33-46500. Applicant: Mount Sinai Hospital of Greater Miami, Inc., 4300 Alton Road, Miami Beach, Fla. 33140. Article: Ultramicrotome, LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for ocular development studies. Embryonic tissues from various vertebrate classes will be studied from earliest beginning development to adult stage. These tissues will be sectioned very thin for observation under the electron microscope. The ultrathin sections needed must be prepared in long series and must be cut in equal thickness throughout. Because the exact thickness needed varies in different tissues, it is imperative that the operator be able to quickly and easily change the cutting thickness anywhere from 50 angstroms to 2 microns. Application received by Commissioner of Customs: August 22, 1969.

Docket No. 70-00149-33-11000. Applicant: National Communicable Disease Center, 1600 Clifton Road NE., Atlanta, Ga. 30333. Article: Gas chromatograph-mass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used with a precolumn pyrolyzer and a direct inlet probe in a wide variety of research activities, encompassing (1) chemical structural elucidations, particularly certain key substances in pyrolysis-gas-liquid chromatography analysis, (2) identification of trace constituents in complex mixtures derived from biological sources, (3) determinations of stable isotope abundance in minute quantities of naturally occurring organic compound and the position of isotopic atoms within the compound. Application received by Commissioner of Customs: August 22, 1969.

Docket No. 70-00150-33-46500. Applicant: National Communicable Disease Center, 1600 Clifton Road NE., Atlanta, Ga. 30333. Article: Ultramicrotome, LKB 8800A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections of biological material for electron microscopic examination. The biological material will be obtained from persons, cultures, or animals and may be normal or may contain various disease agents. It is mandatory that long series of equal thickness serial sections be cut. These sections should be easily varied by the operator between 50 angstroms and 2 microns. These sections will be used to study crucial synaptic changes during

physiological activity, for example: hyperpolarization, depolarization, and effects of pharmacological agents. Application received by Commissioner of Customs: August 22, 1969.

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 69-11880; Filed, Oct. 3, 1969;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDU- CATION, AND WELFARE

Food and Drug Administration
GULF OIL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (PAP OB2458) has been filed by Gulf Oil Corp., Gulf Building, Pittsburgh, Pa. 15230, proposing that § 121.2566 Antioxidant and/or stabilizers for polymers (21 CFR 121.2566) be amended to provide for the safe use of 2,6-di-tert-butyl-4-ethylphenol as an antioxidant and/or stabilizer in ethylene polymers and copolymers intended for food-contact use.

Dated: September 29, 1969.

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

[F.R. Doc. 69-11850; Filed, Oct. 3, 1969;
8:45 a.m.]

[DESI 7987V]

CHLOROQUINE HYDROCHLORIDE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Aralen hydrochloride 5 percent sterile aqueous solution; contains 50 milligrams chloroquine hydrochloride per milliliter; marketed by Winthrop Laboratories, Division of Sterling Drug Inc., Rensselaer, N.Y. 12144.

The Academy concludes that the product is effective for parenteral treatment of anaplasmosis in cattle. The Food and Drug Administration concurs with the Academy's conclusion.

Supplemental new animal drug applications are invited to revise the labeling provided in new animal drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

For parenteral treatment of anaplasmosis in cattle.

DOSEAGE AND ADMINISTRATION

Intravenous or intramuscular injection of 10 cubic centimeters; repeat in 24 hours.

PRECAUTION

While animals respond favorably to the treatment, they still may be carriers of the parasite causing disease.

Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Warning: Do not use in lactating dairy animals.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: September 29, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-11851; Filed, Oct. 3, 1969;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18672; FCC 69-1025]

CATHRYN C. MURPHY

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In reapplication of Cathryn C. Murphy, Vancouver, Wash., Docket No. 18672, File No. BL-12263; for renewal of license of Station KVAN, Vancouver, Wash.

1. The Commission has before it for consideration the above-captioned application.

2. Mrs. Cathryn C. Murphy, licensee of Station KVAN, Vancouver, Wash., filed the renewal application on February 3, 1969. Inasmuch as the license to operate KVAN had expired on February 1, the application was accepted for filing as an application for broadcast license. The licensee contends that a renewal application was sent to the Commission in November 1968, but the Commission has no record of such a filing.

3. In her application, Mrs. Murphy submitted no information in response to question 1 (Ascertainment of Program Needs) of section IV-A. The Commission directed a letter to the licensee regarding this omission, but received no response thereto. After service of a warning letter the licensee amended her application, but the amendment still fails to show the methods used to ascertain the needs and interests of the public served by KVAN and the needs and interests she believes KVAN will serve during the coming renewal period. It is not clear from the amended application what community leaders, if any, Mrs. Murphy consulted with in connection with her survey of the community. By public notice dated August 22, 1968, the Commission stated that:

Part 1, question 1.A. requires consultation with leaders in community life—public officials, educators, religious, the entertainment media, agriculture, business, labor, professional and eleemosynary organizations, and others who bespeak the interests which make up the community. . . . Such consultations are to help determine the needs of the community from the standpoint of the group represented by the leader being consulted; should include a representative range of groups and leaders to give the applicant a better basis for determining the needs of the community; and should identify them by name, position and organization. The purpose of such consultations should be to elicit constructive information concerning community needs and not mere approval of existing or preplanned programming.

See also our recent decision in *City of Camden*, 18 FCC 2d 412 (1969). Upon review of the amended renewal application

¹ The application received Feb. 3, 1969, was dated Nov. 8, 1968.

before us, we find a substantial and material question of fact as to whether the licensee has complied with these survey requirements in connection with her application to operate station KVAN.

4. The failure to file a timely renewal application is not the first time that Mrs. Murphy has failed to comply with the Commission's reporting requirements and deadlines. The following chart sets forth some of the more recent late filed documents:

Document	Date due	Date filed
1965 Financial Statement	Apr. 1, 1966	July 5, 1966
1966 Financial Statement	Apr. 1, 1967	July 26, 1967
1968 Financial Statement	Apr. 1, 1969	July 18, 1969
1966 Renewal Application	Nov. 4, 1966	Jan. 10, 1967

5. Since she became licensee of Station KVAN, Mrs. Murphy has been cited for 122 violations of the Commission's rules. The Commission has three times issued forfeitures for her violations. See 11 FCC 2d 799 (1968). During the most recent inspection of KVAN, on August 4, 1969, it was discovered that the licensee commenced operation at a new transmitter site on July 31, 1969, without Commission authorization. Because of the licensee's unexplained failure to file timely and complete renewal applications and financial statements, and in light of her long history of failure to comply with the Commission's rules and reporting requirements, we are of the view that the application raises a substantial and material question of fact as to whether Mrs. Murphy possesses the requisite qualifications to operate a broadcast station.

6. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of Mrs. Murphy's application to operate Station KVAN would serve the public interest. Accordingly, it is ordered, That pursuant to section 309 (e) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing, at a time and a place to be specified in a subsequent order, on the following issues:

(1) To determine the efforts made by Mrs. Cathryn C. Murphy to ascertain the community needs and interests of the area to be served by Station KVAN and the means by which she proposes to meet those needs and interests;

(2) To determine the facts and circumstances surrounding Mrs. Murphy's failure to file timely Commission reports and applications, and to respond to official Commission correspondence, during the period 1965 to the present;

(3) To determine the facts and circumstances surrounding the relocation of KVAN to its present site on North Portland Road, North Portland, Oreg.;

(4) To determine whether Mrs. Murphy has been so careless or has evidenced such disregard for the Commission's rules and reporting requirements that she cannot be relied upon to fulfill the responsibilities imposed upon her as a licensee of this Commission; and

(5) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, a grant of Mrs. Murphy's application would serve

the public interest, convenience and necessity.

7. It is further ordered, That the burden of the initial introduction of evidence shall be on the licensee as to issues 1 through 3, and on the Broadcast Bureau as to issue 4.

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

9. It is further ordered, That the licensee herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules and regulations, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.594 of the Commission's rules and regulations.

Adopted: September 24, 1969.

Released: September 30, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-11882; Filed, Oct. 3, 1969;
8:47 a.m.]

[Docket Nos. 18677-18682; FCC 69-1028]

NORTHEAST TV CABLEVISION CORP. (WNEC) ET AL.

Order Designating Applications for Oral Argument

In re applications of Northeast TV Cablevision Corp. (WNEC), Albany, N.Y., Docket No. 18677, File No. BMPCT-6781; Virginia Telecasters, Inc. (WRTU-TV), Richmond, Va., Docket No. 18678, File No. BMPCT-6783; CCC Inc. (KDWN-TV), Cheyenne, Wyo., Docket No. 18679, File No. BMPCT-6906; Memphis Telecasters, Inc. (WMTU-TV), Memphis, Tenn., Docket No. 18680, File No. BMPCT-6911; King's Garden, Inc. (KTLF), Seattle, Wash., Docket No. 18681, File No. BMPCT-6935; UHF-Hawaii, Inc. (KUII-TV), Honolulu, Hawaii, Docket No. 18682, File No. BMPCT-6970; for extension of construction permits.

1. The Commission has before it for consideration six requests for reinstatement of construction permits, call signs and applications for extensions of time within which to complete construction of UHF television broadcast stations WNEC, Albany, N.Y.; WRTU-TV, Richmond, Va.; KDWN-TV, Cheyenne, Wyo.; WMTU-TV, Memphis, Tenn.; KTLF, Seattle, Wash. and KUII-TV, Honolulu, Hawaii.

2. The above-captioned extension applications were dismissed, the construction permits canceled and the call signs

* Commissioner H. Rex Lee absent.

deleted by the Chief, Broadcast Bureau, acting pursuant to delegated authority (§ 0.281(z) of the rules) because the applicants had failed to demonstrate that they had exercised due diligence in the prosecution of construction or that construction had been prevented by causes not under their control within the meaning of section 319(b) of the Communications Act of 1934, as amended. However, in accordance with the provisions of the delegation, each applicant was advised that if it desired a hearing on its application, it could request reinstatement within a 30-day period. Subsequently, these applicants filed requests for reinstatement of their construction permits, call signs and applications for extensions of time within which to complete construction of their respective stations.

3. It is ordered, That the construction permits, call signs and extension applications of Television Broadcast Stations WNEC, Albany, N.Y.; WRTU-TV, Richmond, Va.; KDWN-TV, Cheyenne, Wyo.; WMTU-TV, Memphis, Tenn.; KTLF, Seattle, Wash. and KUII-TV, Honolulu, Hawaii are reinstated.

4. It is further ordered, That the above-captioned applications are designated for oral argument before the Commission en banc in Washington, D.C., at 9 a.m. on November 20, 1969, on the following issue:

To determine whether the reasons advanced by the permittee in support of its request for extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

5. It is further ordered, That to avail themselves of the opportunity to be heard, each of the applicants, in person, or by attorney, shall, within ten (10) days of the mailing of this order, file with the Commission, an original and nineteen (19) copies of a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue specified, and shall have until October 20, 1969, to file briefs or memoranda of law.

Adopted: September 24, 1969.

Released: October 1, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-11883; Filed, Oct. 3, 1969;
8:47 a.m.]

[Dockets Nos. 18559-18563; FCC 69R-398]

UNITED TELEVISION CO., INC. (WFAN-TV), ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of United Television Co., Inc. (WFAN-TV), Washington, D.C., Docket No. 18559, File No. BRCT-585,

for renewal of license; Washington Community Broadcasting Co., Washington, D.C., Docket No. 18560, File No. BPCT-3849, for construction permit for new television broadcast station; United Television Co., Inc. (WFAN-TV), Washington, D.C., Docket No. 18561, File No. BPCT-3917, for construction permit; United Broadcasting Co., Inc. (WOKK), Washington, D.C., Docket No. 18562, File No. BR-1104, for renewal of license; Washington Community Broadcasting Co., Washington, D.C., Docket No. 18563, File No. BP-17416, for construction permit for new standard broadcast station.

1. By memorandum opinion and order, FCC 69-618, 18 FCC 2d 363, released June 13, 1969, the Commission designated the above-captioned applications for consolidated hearing. Presently before the Review Board is a petition to enlarge issues, filed July 1, 1969, by United Broadcasting Co., Inc., and United Television Co., Inc. (United), seeking the addition of misrepresentation and lack of candor, section 1.65, and requisite character qualifications issues against Washington Community Broadcasting Co. (Community).¹

2. In support of its request, United outlines the following events relating to Community's financial showing. On October 11, 1968, the Commission requested that Community supply additional information concerning its financial qualifications. Specific reference was made to section III, paragraph 4(d) of the application form, which requires each person who has agreed to furnish funds or purchase stock to submit a financial statement. In response, Community, on January 8, 1969, submitted amendments to both its radio and television applications, which included a balance sheet, dated August 28, 1966, for Dr. Phillip C. Brooks, indicating that he had a net worth of \$97,000 and reaffirming his subscription and loan commitments in the amount of \$100,000. Community's submissions to the Commission, United alleges, failed to disclose the existence of the following obligations of Dr. Brooks: (1) an obligation of an undetermined amount executed on February 15, 1968, which pledges all the crops, equipment, livestock, and proceeds of Dr. Brooks' farm to the West Kentucky Production Credit Association; and (2) four Fed-

eral tax liens imposed between June, 1968, and March, 1969, totaling \$112,751.48.² By submitting Dr. Brooks' August 28, 1966, financial statement, Community, United avers, represented such statement as being correct and current as of the date it was submitted. United concludes that in so representing, Community avoided disclosing the then present liabilities of Dr. Brooks. With respect to two of the four tax liens, dated after the filing of the January, 1969 amendment, United contends that Community had a duty under section 1.65 of the Commission's rules to bring these significant changes in Dr. Brooks' financial posture to the attention of the Commission. Conceding that the exact nature and amount of the obligations under the tax liens and security arrangement have not been determined, United nevertheless stresses that some liability does exist and that the applicant and Dr. Brooks were obligated to disclose such as bearing upon the applicant's financial qualifications. The Broadcast Bureau, in its comments, supports inclusion of § 1.65 and lack of candor issues since, in its view, the filing of the liens before and after the amendment significantly affects the financial position of Dr. Brooks.³

3. In opposition, Community states that its counsel, which prepared the January 8, 1969, amendment had no knowledge that any lien had been filed against Dr. Brooks' property during 1968 and 1969 and consequently, the failure to disclose such liens resulted entirely from lack of notice. Community explains that because of time pressure in preparing its application, income statements for all 22 of its stock subscribers and, in lieu of financial statements, a guarantee sufficient to cover all stock subscriptions were signed by seven subscribers and filed with the application.⁴ According to Community, Dr. Brooks, however, did submit a financial statement at that time, which was kept in the applicant's files. Community further explains that when the Commission, in its October 8, 1968, letter, requested financial statements for all of Community's subscribers, the applicant requested and received current financial statements from most of the subscribers and these were filed with the January 8, 1969, amendment. However, Community avers, no new statement was received from Dr. Brooks and one other subscriber, and therefore the applicant

submitted Dr. Brooks' 1966 statement, believing that there was no reason to suspect that there had been a material change in his financial posture. In response to a subsequent Commission request, Community states, it submitted, on January 29, 1969, current ratification of the guarantees. Community explains that the current balance sheets supporting the newly ratified guarantee of stock and subscriptions show net assets available of \$3,200,000, plus about \$400,000 of net assets in current balance sheets of other subscribers. This sum is fully sufficient to cover Community's financial requirements of \$2,017,404 without relying upon the assets of Dr. Brooks, Community alleges. Consequently, it contends, no motive exists for failure to disclose any adverse information relating to Dr. Brooks' financial position. Dr. Brooks, in an affidavit supplied with the opposition, alleges that he did not receive the October 1968, request for a current statement, and that he would have included the liens in any current balance sheet had he received the request to submit a current balance sheet.

4. The Review Board is of the view that, although the filing of the 1966 balance sheet for Dr. Brooks in the January 1969 amendment did not constitute a full disclosure, the undisputed circumstances surrounding that filing dispel any reasonable inference of intentional wrongdoing; and therefore that there is no necessity to specify a lack of candor or misrepresentation issue. Clearly, the assumption that no changes had occurred in Dr. Brooks' financial position between 1966 and 1969 was not warranted, and the applicant should have been more diligent in seeking to obtain updated information. However, it is not disputed that a letter requesting a recent balance sheet was sent to Dr. Brooks prior to the filing of the amendment, and that he did not receive that letter. Moreover, Dr. Brooks has submitted a sworn statement that he would have responded to the letter with a balance sheet reflecting the existence of the liens, and we have no reason to doubt the veracity of that statement. These facts, considered in light of the fact that at the time his financial statement was submitted with the amendment Dr. Brooks' commitment to Community was no longer necessary in order to establish the applicant's financial qualifications, are sufficient to dispel any doubts that the failure to disclose the liens constituted anything other than an inadvertent error. However, the failure to report the liens does, in our view, raise a substantial question as to compliance with § 1.65 of the rules, even if such failure did not involve any intent to mislead the Commission. Thus, the imposition of the tax liens and security arrangement may have significantly altered the ability of one of Community's major stock subscribers to meet his commitment, and therefore should have been reported to the Commission. An issue inquiring into this matter and its effect on Community's comparative qualifications will therefore be specified.

¹ Also before the Board for consideration are: (a) Broadcast Bureau comments, filed Aug. 1, 1969; (b) opposition, filed Aug. 1, 1969, by Community; (c) request for leave to file additional statement and additional statement, filed Aug. 20, 1969, by United; and (d) request to file statement concerning additional statement of United, filed Aug. 22, 1969, by Community. United's additional statement seeks to draw the Board's attention to a recent Court of Appeals case, *WEHR, Inc. v. FCC*, Case No. 22,526 (D.C. Cir., 1969), and to raise an additional matter not referred to in its instant pleading. The Board is aware of the *WEHR* case, and the additional matter is not appropriately raised for the first time in a responsive pleading. The request for leave to file additional statement, and Community's request to file a responsive statement will therefore be denied.

² A copy of the recorded financial statement and the security agreement and certified copies of the liens are submitted with the petition.

³ The Bureau states that it does not attach substantial significance to the security arrangement concerning Dr. Brooks' farm. This type of transaction, the Bureau notes, is recognized as a "usual course of business" type of transaction in the farming community.

⁴ This guarantee was supported by bank commitment letters. At that time, Community notes, the Broadcast Bureau accepted bank commitment letters without requiring that they be supported by financial statements.

5. Accordingly, it is ordered, That the request for leave to file additional statement, filed August 20, 1969, by United Television Co., Inc., and United Broadcasting Co., Inc., and the request to file statement concerning additional statement of United, filed August 22, 1969, by Washington Community Broadcasting Co., are denied; and that the petition to enlarge issues, filed July 1, 1969, by United Broadcasting Co., Inc., and United Television Co., Inc., is granted to the extent indicated below and denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether Washington Community Broadcasting Co., or its principal, Dr. Phillip C. Brooks, failed to keep its application up to date as required by § 1.65 of the rules; and if so whether the failure reflects adversely on the applicant's comparative qualifications.

6. It is further ordered, That the burden of proceeding with the introduction of evidence on the issue added above will be on United Broadcasting Co., Inc., and United Television Co., Inc., and the burden of proof on Washington Community Broadcasting Co.

Adopted: September 30, 1969.

Released: October 1, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,⁵

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-11894: Filed, Oct. 3, 1969;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21304]

HARRISON AIRWAYS, LTD.

Notice of Prehearing Conference and Hearing

Application for a foreign air carrier permit issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 9, 1969, at 10 a.m. e.d.s.t. in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Hyman Goldberg.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

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

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-11915: Filed, Oct. 3, 1969;
8:49 a.m.]

⁵ Review Board Member Pincock not participating; Board Member Kessler absent.

[Docket No. 21351]

PAN AMERICAN WORLD AIRWAYS, INC., AND NEW YORK AIRWAYS, INC.

Notice of Prehearing Conference

Application of Pan American World Airways, Inc., and New York Airways, Inc., for approval of control and interlocking relationships under section 409 or an exemption under section 416 of the act.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 10, 1969, at 10 a.m. e.d.s.t. in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

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

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-11916: Filed, Oct. 3, 1969;
8:49 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order 81]

HONOLULU, HAWAII

Contiguous Expansion of Foreign-Trade Zone

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998; 19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the State of Hawaii, Grantee of Foreign-Trade Zone No. 9, Pier 39, Honolulu, Hawaii, was issued a grant for the establishment and operation of Foreign-Trade Zone No. 9, Honolulu, on February 15, 1965.

Whereas, said Grantee filed with the Foreign-Trade Zones Board on April 16, 1969, an application requesting authority to contiguously expand the boundaries of said Zone No. 9, in order to add 113,525 sq. ft. of storage space to the existing authorized zone area located at Pier 39, Honolulu.

Whereas, notice of said application was published in the FEDERAL REGISTER on April 26, 1969 (34 F.R. 6994), and opportunity has been afforded all interested parties to submit their views.

Whereas, the Grantee's original application contemplated the eventual utilization of the entire storage area of Pier 39 as a foreign-trade zone.

Whereas, the requested additional space is necessary to accommodate zone users and for more efficient operation of the zone; and,

Whereas, the Foreign-Trade Zones Board has found that the said application satisfies all the applicable provisions of the Foreign-Trade Zones Act and regulations.

Now, therefore, the Foreign-Trade Zones Board hereby orders:

That the Grantee is authorized to contiguously expand the boundary of Zone

No. 9, Pier 39, Honolulu, in conformity with Exhibits 1-13 of the application filed with the Foreign-Trade Zones Board on April 16, 1969. The authority given in this order is subject to local approval of the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements for protection of the revenue of the United States and the installation of suitable facilities.

Signed at Washington, D.C., this 30th day of September 1969. This order will be published in the FEDERAL REGISTER.

[SEAL] MAURICE H. STANS,
Secretary of Commerce, Chairman
and Executive Officer,
Foreign-Trade Zones Board.

Attest:

JOHN J. DA PONTE,
Acting Executive Secretary,
Foreign-Trade Zones Board.

[F.R. Doc. 69-11914: Filed, Oct. 3, 1969;
8:49 a.m.]

[Order 80]

SAN FRANCISCO, CALIF.

Change of Name of Grantee of Foreign-Trade Zone

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998; 19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Foreign-Trade Zones Act provides that a grant shall not be sold, conveyed, transferred, set over, or assigned;

Whereas, the Foreign-Trade Zones Board has been informed by the Grantee of Foreign-Trade Zone No. 3, San Francisco, Calif., that pursuant to a reorganization under California law its name was changed from the "San Francisco Port Authority," a State body, to the "San Francisco Port Commission," a municipal body on February 7, 1969; and

Whereas, the Grantee has submitted documentation to the Foreign-Trade Zones Board establishing the change of name, and that the reorganization did not involve a transfer of the grant prohibited by the Act.

Now, therefore, the Foreign-Trade Zones Board hereby orders:

That the Foreign-Trade Zones Board recognizes the Grantee of Foreign-Trade Zone No. 3, as the "San Francisco Port Commission," a municipal body.

Signed at Washington, D.C., this 29th day of September 1969. This order will be published in the FEDERAL REGISTER.

[SEAL] MAURICE H. STANS,
Secretary of Commerce, Chairman
and Executive Officer,
Foreign-Trade Zones Board.

Attest:

JOHN J. DA PONTE,
Acting Executive Secretary,
Foreign-Trade Zones Board.

[F.R. Doc. 69-11913: Filed, Oct. 3, 1969;
8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. 44]

GOLDEN WEST FINANCIAL CORP.

Notice of Receipt of Application for
Permission To Acquire Control of
Grove-Portola Savings and Loan
Association

OCTOBER 1, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Golden West Financial Corp., Oakland, Calif., for approval of acquisition of control of the Grove-Portola Savings and Loan Association, Pacific Grove, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of all the assets of Grove-Portola Savings and Loan Association for the assumption of the liabilities of Grove-Portola Savings and Loan Association by Golden West Financial Corp. and stock of Golden West Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL]

JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-11876; Filed, Oct. 3, 1969;
8:47 a.m.]

INTERAGENCY TEXTILE
ADMINISTRATIVE COMMITTEECERTAIN COTTON TEXTILES AND
COTTON TEXTILE PRODUCTS PRO-
DUCED OR MANUFACTURED IN
MALAYSIAEntry or Withdrawal From Warehouse
for Consumption

OCTOBER 1, 1969.

On July 30, 1969, the U.S. Government requested the Government of Malaysia to enter into consultations concerning exports to the United States of cotton textile products in Category 53, produced or manufactured in Malaysia. In that request the U.S. Government indicated a specific level at which it considered that exports in this category from Malaysia should be restrained for the 12-month period beginning July 30, 1969, and extending through July 29, 1970. Since no solution has been mutually agreed upon, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3, and

Article 6(c) which relates to nonparticipants, is establishing a restraint at the level of 9,744 dozen for the 12-month period beginning July 30, 1969, and extending through July 29, 1970. This restraint does not apply to cotton textile products in Category 53, produced or manufactured in Malaysia and exported to the United States prior to the beginning of the designated 12-month period.

There is published below a letter of September 30, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 53, produced or manufactured in Malaysia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning July 30, 1969, be limited to the designated level.

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

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

SEPTEMBER 30, 1969.

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

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning July 30, 1969 and extending through July 29, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 53, produced or manufactured in Malaysia, in excess of a level of restraint for the period of 9,744 dozen.¹

In carrying out this directive, entries of cotton textile products in Category 53, produced or manufactured in Malaysia and which have been exported to the United States from Malaysia prior to July 30, 1969, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 53, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

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

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Ad-

¹ This level has not been adjusted to reflect any entries made on or after July 30, 1969.

visory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

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

[F.R. Doc. 69-11927; Filed, Oct. 3, 1969;
8:50 a.m.]

OFFICE OF EMERGENCY
PREPAREDNESS

WEST VIRGINIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on September 24, 1969, the President declared a major disaster as follows:

I have determined that the damages in Greenbrier County, W. Va., caused by severe storms and flooding beginning on or about September 5, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in West Virginia.

I do hereby determine the following area in the State of West Virginia to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 24, 1969:

The county of: Greenbrier.

Dated: September 29, 1969.

G. A. LINCOLN,
Director,

Office of Emergency Preparedness.

[F.R. Doc. 69-11855; Filed, Oct. 3, 1969;
8:46 a.m.]

SECURITIES AND EXCHANGE
COMMISSION

[70-4790]

ALABAMA POWER CO.

Notice of Proposed Issue and Sale of
Bonds and Preferred Stock

SEPTEMBER 29, 1969.

Notice is hereby given that Alabama Power Co. ("Alabama"), 600 North 18th Street, Birmingham, Ala. 35203, an electric utility subsidiary company of The

Southern Co. ("Southern"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Alabama proposes to issue and sell, subject to Rule 50 under the Act, \$35 million principal amount of first mortgage bonds, _____ percent series. The bonds will be dated as of the second day of the calendar month within which they are issued and will mature not less than 5 years and not more than 30 years therefrom, such date to be determined not less than 72 hours prior to the time of the sale of the bonds. The price, exclusive of accrued interest, to be paid to Alabama will not be less than 99 percent nor more than 102 3/4 percent of the principal amount thereof. The bonds will be issued under the provisions of the indenture dated as of January 1, 1942, between Alabama and Chemical Bank, as trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated November 1, 1969.

Alabama also proposes to issue and sell, subject to Rule 50 under the Act, 50,000 shares of its preferred stock, par value \$100 per share. The price to be paid to Alabama will be not less than \$100 nor more than \$102.75 per share.

The net proceeds received from the issue and sale of the bonds and preferred stock together with excess cash on hand and the proceeds from the sale of 60,000 additional shares of common stock to Southern, already approved by this Commission (Holding Company Act Release No. 16285), will be used by Alabama to finance its 1969 construction program estimated at \$89,059,000; to pay outstanding short-term bank loans incurred for such purpose; and for other lawful purposes.

It is stated that the Alabama Public Service Commission has expressly authorized the proposed issue and sale of the bonds and preferred stock by Alabama, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than October 20, 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 application 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 applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted 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. 69-11856; Filed, Oct. 3, 1969;
8:46 a.m.]

[812-2539]

AMERICAN FIDELITY VARIABLE ANNUITY FUND A AND AMERICAN FIDELITY ASSURANCE CO.

Notice of Application for Exemptions

SEPTEMBER 30, 1969.

Notice is hereby given that American Fidelity Variable Annuity Fund A ("Fund") and American Fidelity Assurance Co. ("American Fidelity"), 2901 Classen Boulevard, Oklahoma City, Okla. 73106 (herein collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C., sec. 80a-1 et seq. ("Act"), for an order exempting Applicants from the provisions of section 17(f), 22(d), and 27(c)(2) of the Act and Rule 171-2 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

American Fidelity established Fund in accordance with the Insurance Code of Oklahoma as a separate account to offer individual or group variable annuity contracts. Initially, American Fidelity will sell in connection with Fund only contracts designed for annuity purchase plans adopted by public school systems and certain tax-exempt organizations. Employees of such systems or organizations are presently accorded certain federal income tax benefits under section 403(b) of the Internal Revenue Code of 1954, as amended (the "Code"). In connection with the Fund, American Fidelity also plans to sell contracts under plans qualifying for tax-deferred treatment under section 401 of the Code, including plans for self-employed persons.

Section 17(f) provides, in pertinent part, that a registered management investment company may maintain its securities and investments in its own custody in accordance with the rules, regulations, and orders adopted by the

Commission in the interest of investors. Rule 171-2 requires, in pertinent part, that such assets be placed in a bank subject to the other requirements of the rule, one of which limits the persons who shall have access to such assets to only certain specified individuals. Applicants request an exemption to permit access to the securities of Fund, which will be held pursuant to a safekeeping agreement with the Liberty National Bank and Trust Company of Oklahoma City, Okla., by duly authorized representatives of the Insurance Commission of Oklahoma and by duly authorized officers and employees of American Fidelity. Pursuant to a resolution of the Board of Directors of American Fidelity, no more than five officers and employees will be so authorized at any one time, and access to the securities of Fund shall be had only by two or more of such officers and employees acting jointly.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. Applicants request an exemption from section 22(d) to allow the sale of group contracts which provide for an experience rating credit. American Fidelity's actual sales and administrative costs applicable to the contracts will be determined annually. If actual costs exceed the amount deducted for such expenses, no additional deductions will be made. If, however, the amounts deducted for such expenses exceed actual costs, American Fidelity, in its sole discretion, may allocate all, a portion, or none of such excess as an experience rating credit. Allocation of an experience rating credit will be made either by a reduction in the amount deducted from subsequent sales and administrative expense deductions, or by crediting to participants a number of additional accumulation or annuity units without deduction for sales or administrative expenses. Experience rating credits shall be determined by the nondiscriminatory application of uniform standards to the experience under each group contract.

Applicants further request an exemption from section 22(d) to permit the transfer of funds from a participant's fixed accumulation account to his accumulation account in Fund without imposition of sales or administrative charges. Such funds will already have been charged with sales and administrative charges equal to those which would have been imposed had they originally been paid into Fund.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by section 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust, and places certain

restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants state that American Fidelity is subject to extensive detailed supervision and inspection by the Insurance Commissioner of the State of Oklahoma and that such control and regulation provides ample assurance against misfeasance and affords the essential protection which the trusteeship or custodianship under section 26(a)(2) is designed to provide. Under the terms of the contract, American Fidelity will have undertaken binding commitments to contract-owners to provide lifetime benefits to persons covered by the contracts. It cannot legally abrogate such undertakings. Applicants request an exemption from the requirements of section 27(c)(2) on the grounds that, in the circumstances present, compliance with that section would involve unnecessary and inappropriate expenses and procedures. Applicants have consented to the requested exemption being subject to the conditions that the charges under the contracts for administrative services referred to in section 26(a) shall not exceed such reasonable amount as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose and that the payment of sums and charges out of the assets of Fund shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the consent of Applicants to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services. Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than October 17, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing in the matter accompanied by a statement as to the nature of his interest, the reason for such request and the

issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-11892; Filed, Oct. 3, 1969;
8:48 a.m.]

[812-2434]

CAPITAL SOUTHWEST CORP.

Order Exempting Proposed Transactions

SEPTEMBER 30, 1969.

Capital Southwest Corp. ("Applicant"), 750 Hartford Building, Dallas, Tex. 75201, a Texas corporation registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act") and licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application pursuant to section 6(c) of the Act for an order of exemption from certain provisions of the Act as follows:

a. From section 12(e) of the Act to permit the utilization by Applicant of more than 5 percent of the value of its assets to purchase or otherwise acquire securities issued by CSC Capital Corp. ("CSCC"), which is to be a registered investment company permitted, within certain limits, to issue debt as well as common stock, and which will also be the transferee of the license as a small business investment company now held by Applicant.

b. From section 17(a) of the Act to permit the proposed initial as well as any subsequent transfer by Applicant, and acquisition by CSCC, of a portion of the assets of Applicant; and to permit any small business concern which may become an affiliated person of CSCC or of

Applicant to borrow from, or to sell securities issued by it to, CSCC.

c. From section 17(d) of the Act and Rule 17d-1 thereunder to permit Applicant and CSCC to participate in joint transactions or other joint arrangements involving third parties which are small business concerns.

On March 25, 1969, the Commission issued a notice of filing of the application (Investment Company Act Release No. 5640). The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application might be issued upon the basis of the information stated therein unless a hearing should be ordered. No such request has been filed and the Commission has not ordered a hearing.

The Commission has considered the matter and hereby finds, on the basis of the information stated in the application, that the granting of the requested exemptions are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is ordered, Pursuant to section 6(c) of the Act, that the application, as amended, for the foregoing exemptions from the provisions of sections 12(e), 17(a), and 17(d) of the Act and Rule 17d-1 thereunder is hereby granted, effective forthwith, subject to the following conditions agreed to by Applicant.

1. That Applicant will:

(a) Not make any investment in CSCC investment plus the cost of any additional investment in CSCC would exceed 25 percent of the value of Applicant's total assets on a corporate basis at the time of any investment;

(b) At all times own and hold, beneficially and of record, all of the outstanding capital stock of CSCC;

(c) Not cause or permit CSCC to change any of its fundamental investment policies, unless such action shall have been authorized by Applicant as the holder of all of the outstanding voting securities of CSCC after approval of such action by the vote of a majority (as defined in the Act) of Applicant's outstanding voting securities;

(d) Not cause or permit CSCC to enter into, renew or perform any investment advisory or underwriting contracts or agreements, written or oral, as contemplated by section 15 of the Act, unless the terms of such contracts or agreements and any renewal thereof shall have been approved in compliance with section 15 of the Act. Any vote of the stockholders of CSCC as required by section 15 of the Act will be deemed to require a vote of Applicant's stockholders. Any action of the directors of CSCC as required by section 15 of the Act, will be deemed to require a vote of the directors of Applicant, including a majority of those directors who are not parties to any such contract or agreement or affiliated persons of any such party; and

(e) Will file with the Commission and transmit to its stockholders reports prescribed and required by section 30 of the Act, including separate financial statements of CSCC. Applicant will also cause

CSCC to file with the Commission copies of all reports which CSCC will be required to file with the U.S. Small Business Administration ("SBA").

2. That any independent public accountant who signs a financial statement filed by Applicant or CSCC with the Commission shall be selected and approved for Applicant in compliance with section 32(a) of the Act by the vote of a majority (as defined in the Act) of Applicant's outstanding voting securities.

3. That the officers and directors of Applicant and CSCC will be in all respects identical.

4. That neither Applicant nor CSCC will issue or sell any class of senior security unless immediately after such issuance or sale such class of senior security will have the asset coverage required by section 18(a) of the Act on two bases, namely, Applicant on a corporate basis and Applicant and CSCC on a consolidated basis.

5. That Applicant will not cause or permit CSCC to issue or sell (and CSCC will not have outstanding) any securities other than (i) common stock to be held and owned by Applicant; (ii) debt securities to be held and owned by Applicant evidencing borrowings from the latter; and/or (iii) debt securities to be held and owned by the SBA (or by one or more banks, insurance companies and/or pension funds where payment is guaranteed by the SBA) evidencing borrowings by CSCC from the SBA (or from one or more banks, insurance companies and/or pension funds) on such terms as the SBA may lend to or guarantee for small business investment companies and as may be permitted under the Act and this order: *Provided, however*, That so long as Applicant has outstanding any senior security other than that described in item 7(ii) of this order, Applicant will not cause or permit CSCC to issue or sell or to have outstanding any security other than common stock and debt held and owned by Applicant.

6. That Applicant will not guarantee any loan made to CSCC.

7. That so long as CSCC has any debt outstanding other than debt of CSCC held and owned by Applicant, Applicant will not issue any security or sell or have or permit to remain outstanding any security issued by it other than (i) common stock and (ii) unsecured promissory notes or other unsecured evidences of indebtedness issued in consideration of any loan, extension, or renewal thereof, made by one or more banks, insurance companies and/or pension funds and privately arranged, and not intended to be publicly distributed and not convertible into, exchangeable for, or accompanied by any options to acquire any equity security.

8. That any small business concern which may become an affiliated person of CSCC may borrow from, or sell securities issued by it to, CSCC provided that any such transaction shall meet the requirements for an exemption pursuant to Rule 17a-6 except to the extent that it fails to meet the requirements of such rule solely because Applicant is also a party to the transaction or has, or within

6 months prior to the transaction, had or pursuant to an arrangement will acquire, a direct or indirect financial interest in the small business concern.

9. That Applicant and CSCC may participate in any joint transaction or other joint arrangement involving a third party which is a small business concern provided that no person (other than Applicant itself) who, as respects Applicant or CSCC, falls within any category of persons mentioned in subparagraphs (1), (2), (3), (4), or (5) of Rule 17a-6, is also a party to the joint transaction or has, or within 6 months prior to the commencement of the joint transaction had, or pursuant to an arrangement will acquire, a direct or indirect financial interest in the small business concern.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 69-11893; Filed, Oct. 3, 1969;
8:46 a.m.]

[File No. 1-4563]

COMMONWEALTH UNITED CORP.

Order Suspending Trading

SEPTEMBER 29, 1969.

The common stock, \$1 par value, of Commonwealth United Corp. (a California corporation), being listed and registered on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and the Pacific Coast Stock Exchange, the 6 percent convertible subordinated debentures due 1983, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, and the warrants for \$1 par common stock and the \$1.05 convertible preferred stock being listed and registered on the American Stock Exchange, and the Pacific Coast Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Pacific Coast Stock Exchange, and the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 30, 1969, through October 9, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 69-11857; Filed, Oct. 3, 1969;
8:46 a.m.]

JONKER CORP.

Order Suspending Trading

SEPTEMBER 29, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Jonker Corp. (a Delaware corporation), and all other securities of Jonker 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 29, 1969, 10:30 a.m., e.d.t., through October 8, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 69-11858; Filed, Oct. 3, 1969;
8:46 a.m.]

[70-4768]

MIDDLE SOUTH UTILITIES, INC., AND LOUISIANA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Notes and Exception From Com- petitive Bidding and Issuance and Sale of Common Stock

SEPTEMBER 30, 1969.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y. 10017, a registered holding company, and its electric utility subsidiary company, Louisiana Power & Light Co. ("Louisiana"), 142 Delaronde Street, New Orleans, La. 70114, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, and 12(f) of the Act and Rules 45 and 50(a) (5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Middle South presently has outstanding \$29 million of unsecured promissory notes, two in the amount of \$11,500,000 each maturing on December 29, 1969, and two in the amount of \$3 million each maturing on October 23, 1969. The promissory notes were issued to and are held by The Chase Manhattan Bank, N.A. ("Chase") and the Manufacturers Hanover Trust Co. ("Manufacturers") in the amount of \$14,500,000 each (Files Nos. 70-4553 and 70-4697). Such notes bear interest at the individual bank's prime rate in effect from time to time (currently 8½ percent for both banks) and are prepayable at any time in whole or in part without premium.

Middle South proposes a program to cover its interim financing requirements through June 30, 1970. The initial step of

the program contemplates that on October 23, 1969, Middle South will make additional borrowings of \$12 million, of which not in excess of \$10 million may be in the form of sales of its commercial paper. Such borrowings, regardless of form, shall not have a maturity date extending beyond June 30, 1970. The second step contemplates that concurrently with the additional borrowings, Middle South will refinance its present promissory notes held by Chase and Manufacturers in the amount of \$14,500,000 each with new notes of the same amount but maturing June 30, 1970. Except for the change in the maturity date, such new notes will be identical in all respects to the present notes held by the two banks. Middle South intends to pay the principal of its proposed short-term borrowings at or before maturity out of the proceeds of the sale of additional common stock.

Aggregate borrowings under the proposed program will not exceed \$41 million in principal amount to be outstanding at any one time, of which not in excess of \$10 million may be represented by sales of commercial paper. In the event that the \$12 million of additional borrowing is all made from banks, three New York City banks have informally agreed to provide the funds as follows:

Bank	Present loans	Additional loans	Total loans
Manufacturers Hanover Trust Co.	\$14,500,000	\$6,000,000	\$20,500,000
The Chase Manhattan Bank	14,500,000	3,500,000	18,000,000
First National City Bank		2,500,000	2,500,000
Total	29,000,000	12,000,000	41,000,000

All such additional loans will bear interest at the individual bank's prime rate in effect from time to time (presently $8\frac{1}{2}$ percent for the banks named), will mature not later than June 30, 1970, and will be prepayable at any time in whole or in part without premium.

The proposed commercial paper of Middle South will be in the form of unsecured bearer notes maturing on or prior to June 30, 1970, issued in denominations of not less than \$50,000 with most of the denominations not less than \$100,000, and sold by Middle South directly to A. G. Becker & Co. ("Becker") at discounts which would be the then prevailing discount rates per annum for the particular maturities at which prime commercial paper is sold by issuers thereof to commercial paper dealers. No other costs, fees, commissions, or additional charges will be payable by Middle South to Becker in connection with the issuance and sale of the commercial paper. The rate for the commercial paper will not exceed the commercial bank rate that Middle South could obtain on the date of issue on notes to banks of equal principal amounts, except for commercial paper of maturity not exceeding 60 days issued to refund outstanding commercial paper if, in the judgment of Middle South, it would be impractical to borrow from commercial banks to refund

such outstanding commercial paper. The commercial paper will not be prepayable prior to maturity.

Becker, as principal, will initially reoffer the commercial paper, at a discount rate no greater than one-eighth of 1 percent per annum less than the discount rate to Middle South, to corporations, and institutional investors from a list of such proposed offerees. Such list will be comprised of commercial banks, insurance companies, corporate pension funds, investment trusts, foundations, colleges and universities, municipal and State benefit funds, eleemosynary institutions, finance companies, and non-financial corporations.

The proceeds from the additional borrowings are to be used by Middle South to finance the purchase of \$10 million of additional common stock of Louisiana and to partially replenish the treasury of Middle South for \$2,500,000 of loans heretofore made to its subsidiary Middle South Services, Inc. Louisiana has outstanding 15,368,000 shares of common stock, without nominal or par value, stated on its books at \$96,050,000, all of which are owned by Middle South. Louisiana now proposes to issue and sell to Middle South, and Middle South proposes to acquire 2,280,000 additional shares of Louisiana's common stock, without nominal or par value, for an aggregate purchase price of \$10 million in cash. Concurrently with the completion of this sale, Louisiana proposes to transfer \$4,250,000 from its Earned Surplus Account to its Common Capital Stock Account. Louisiana will use the proceeds from the sale of the additional common stock to pay off its short-term promissory notes.

Middle South requests an exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a) (5) thereof. It is stated that current rates for commercial paper issued by such prime borrowers as Middle South are published daily in financial publications and that it is not practical to invite bids for commercial paper. The company further states that the proposed commercial paper will have a maturity not in excess of 9 months. Middle South also requests that it be granted authority to file on a quarterly basis its certificates under Rule 24 with respect to the issue and sale of commercial paper.

The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that the fees and expenses to be incurred in connection therewith are estimated to be less than \$2,000.

Notice is further given that any interested person may, not later than October 17, 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 application-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 applicant's declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-11894; Filed, Oct. 3, 1969;
8:48 a.m.]

[812-2525]

STAR CAPITAL CORP.

Notice of Filing of Application for Order

SEPTEMBER 30, 1969.

Notice is hereby given that Star Capital Corp. ("Star"), 663 Fifth Avenue, New York, N.Y. 10022, a Pennsylvania corporation, which is a closed-end, non-diversified management investment company registered under the Investment Company Act of 1940 ("Act") and is licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application for an order of the Commission declaring that the proposed merger of Star with Sun Capital Corp. ("New Star"), a Delaware corporation and wholly owned subsidiary of Abacus Fund, Inc. ("Abacus"), a Delaware corporation and a closed-end diversified management investment company registered under the Act, and the merger of Abacus and Peter Sharp & Co., Inc. ("Sharp & Co."), a New York corporation 90 percent owned by Peter Sharp, a director and the president of Star and the beneficial owner of 21 percent of the outstanding shares of Star, and the sale of Abacus stock to ABJ Co. ("ABJ"), a New York general partnership, in which Peter Sharp is a general partner and has a proprietary interest in excess of 99 percent, are not transactions subject to the provisions of section 17(d) of the Act and Rule 17d-1 thereunder, or, in the alternative, for an order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, permitting such transactions. All interested

persons are referred to the application, which is on file with the Commission, for a statement of representations therein, which are summarized below.

Abacus agreed, on November 8, 1968, (1) to acquire in exchange for 252,000 of its shares, Sharp & Co. whose assets consisted principally of the stock of Douglas L. Elliman & Co., Inc. ("Elliman"), a New York corporation engaged in the real estate management and brokerage business, and (2) to sell to ABJ and/or shareholders of Sharp & Co., 309,000 shares of common stock of Abacus for an aggregate consideration of \$7,685,000 in cash and 5 percent promissory notes.

In its last fiscal year, Elliman earned, after pro forma adjustment for Federal income tax liability, approximately \$224,000. The agreement to merge Sharp & Co. and Abacus provided that up to 77,000 of the 252,000 shares of Abacus to be issued to Sharp & Co. would be returned to Abacus in the event that Elliman's future earnings are less than certain amounts geared to \$300,000 annually.

As of November 8, 1968, the net asset value per share of Abacus was \$20.57 or \$19.98 after giving effect to potential Federal income tax liability on unrealized appreciation, and the net asset value per share of Star was \$5.95. The market value per share of Abacus on November 8, 1968, was \$20.625 and the market value per share of Star on that day was \$11.5.

Since the Star shares were, and the Abacus shares were not, selling at a substantial premium over net asset value, Abacus management did not believe that it could, under such circumstances, negotiate the acquisition of Star on a basis which would be acceptable to Star shareholders and at the same time be fair to Abacus shareholders.

On November 14, 1968, the aforementioned proposed acquisition of Sharp & Co. by Abacus, and sale of Abacus shares were announced, and it was further announced that upon the consummation of the transactions, Sharp would become a director, chairman of the executive committee, and chief operating officer of Abacus. It was also announced that Abacus hoped to acquire additional operating companies and, subject to approval by Abacus stockholders, cease to be a registered investment company.

After the aforementioned announcement, a sharp increase occurred in the market price of Abacus shares and a decline took place in the market price of Star shares.

On November 26, 1968, Abacus agreed to acquire Star by exchanging one Abacus share for each three-and-one-half Star shares. As of that date the net asset value per share of Star was \$5.96, and the net asset value per share of Abacus was \$20.57, based on the previous weekly net asset valuation as of November 22, 1968. Taking into consideration the acquisition of Sharp & Co. by Abacus and the issuance of shares of Abacus to ABJ, the pro forma net asset value for Abacus shares on November 22, 1968, was \$21.45. The market value per share of

Abacus was \$32.50 and the market value per share of Star was \$8.875.

As of December 31, 1968, Star's assets aggregated approximately \$3,200,000. These assets consisted of a certificate of deposit, a U.S. Government security, cash, and one loan in the principal amount of \$100,000. Star has 900 shareholders and its shares are traded over-the-counter.

Abacus had approximately \$53 million in assets on December 31, 1968. Its shares are traded on the New York Stock Exchange.

Under the terms of the merger agreement, Star and New Star can each terminate the agreement if the acquisition by Abacus of Sharp & Co. and the purchase of common stock of Abacus by ABJ are not consummated. New Star can terminate the merger if Sharp is not at the time of the merger the president and chief executive officer of Star and the chief executive officer of Elliman.

The merger of Star and New Star also requires the approval of the shareholders of Star and of Abacus. It has already been approved by the SBA.

By virtue of his position as director and president of Star and his 21 percent beneficial stock interest in Star, Peter Sharp is an "affiliated" person of Star as that term is defined in section 2(a)(3) of the Act.

The Sharp & Co.-Abacus merger arrangements and the sale of Abacus shares to ABJ provide Peter Sharp with a substantial position in Abacus. Under the Star-New Star merger agreement Star shareholders will receive Abacus stock in exchange for their holdings in Star.

Section 17(d) of the Act and Rule 17d-1 thereunder provide, in pertinent part, that it shall be unlawful for an affiliated person of a registered investment company, acting as principal, to participate in, or effect any transaction in connection with, any joint enterprise or arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been granted by the Commission. A joint enterprise or arrangement as used in Rule 17d-1 is defined as any written or oral plan, contract, authorization, or arrangement, or any practice or understanding concerning an enterprise or undertaking, whereby a registered investment company or a controlled company thereof and any affiliated person of or a principal underwriter for such registered company, or any affiliated person of such person or principal underwriter, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

In passing upon an application under Rule 17d-1, the Commission is required to consider whether the participation of each of the registered investment companies which is a party to the joint enterprise or arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from

or less advantageous than that of other participants.

The application states that the basic terms of the Sharp & Co.-Abacus Merger Agreement and the ABJ-Abacus Stock Purchase Agreement had been fully negotiated on an arm's-length basis (and a press release to such effect issued) prior to the time at which Abacus was in a position to consider the acquisition of Star on a basis which would be acceptable to Star shareholders and fair to Abacus shareholders, and that it is difficult to compare the "participation" of Star to the "participation" of Sharp & Co. and ABJ for the purpose of ascertaining whether Star's "participation" is on a basis "different from or less advantageous than" that of Sharp & Co. and ABJ, because of fundamental differences between the proposed transactions. Consequently, Star contends that none of the proposed transactions described in the application is subject to section 17(d) of the Act or Rule 17d-1 thereunder.

In the alternative, Star contends that an order should be issued permitting the proposed transactions on the grounds that they are consistent with the provisions, policies, and purposes of the Act, that the various transactions are fair and advantageous to Star shareholders and that Star's "participation," while basically not comparable to that of Sharp & Co. and ABJ, is certainly not "less advantageous" than the "participation" of Sharp & Co. and ABJ.

Notice is further given that any interested person may, not later than October 14, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Star at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this

notice by certified mail to the Associate Administrator for Investment, Investment Division, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-11895; Filed, Oct. 3, 1969;
8:46 a.m.]

[812-2487]

TRAVELERS FUND FOR VARIABLE ANNUITIES AND TRAVELERS FUND B FOR VARIABLE CONTRACTS

Notice of Application for Order Approving Terms of Proposed Exchange Offer or for Order Exempting Such Offer

SEPTEMBER 29, 1969.

Notice is hereby given that The Travelers Fund for Variable Annuities ("Fund A") and The Travelers Fund B for Variable Contracts ("Fund B"), 1 Tower Square, Hartford, Conn. (hereinafter collectively "Applicants"), have filed an application pursuant to section 11(a) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), for an order approving the terms of the proposed offer of exchange described below or, in the alternative, for an order pursuant to section 6(c) of the Act exempting such transaction from the provisions of section 11(a). The Travelers Insurance Co. ("The Travelers") established Fund A as the facility through which The Travelers sets aside and invests assets attributable to variable annuity contracts designed for annuity purchase plans adopted by public school systems and certain tax exempt organizations which qualify for tax deferral treatment under section 403(b) of the Internal Revenue Code of 1954, as amended ("Code") and for plans established by persons entitled to the benefits of the Self-Employed Individuals Tax Retirement Act of 1962, as amended. Fund B was established as the facility through which The Travelers sets aside and invests assets attributable to variable annuity contracts not qualifying for tax deferral investment under the Code. Both Fund A and Fund B are open-end diversified management investment companies organized as separate accounts registered under the Act. Travelers Equities Fund, Inc. ("TEFI"), a diversified open-end management investment company registered under the Act, was organized as a Maryland corporation on February 2, 1968. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Fund A and Fund B and their principal underwriter propose to impose upon a TEFI shareholder who exchanges his TEFI shares for variable annuity con-

tracts issued by Fund A or Fund B, a charge for administrative expenses and minimum death benefits. Applicants assert that the exchanges will otherwise be made on the basis of relative net asset values.

The proposed charge for administrative expenses to an exchanging TEFI shareholder is the lesser of \$50 or 1.25 percent of the value of the amount exchanged. Cash purchasers of the variable annuity contracts presently incur charges for administrative expenses which are deducted from and based upon stipulated payments made under the contracts. The maximum such charge is 1.25 percent of stipulated payments. On group variable annuity contracts this charge remains level at 1.25 percent of all contributions. On individual variable annuity contracts issued in connection with Fund A the charge for administrative expenses is reduced on portions of a stipulated payment in excess of \$10,000; the maximum such charge deducted from any stipulated payment is \$350. On individual variable annuity contracts issued in connection with Fund B the charge for administrative expenses is reduced when aggregate stipulated payments made under the contract exceed \$25,000; the maximum such charge which will be deducted over the life of any such contract is \$875.

The proposed charge to an exchanging TEFI shareholder for the minimum death benefit guarantee is 0.75 percent of the value of the amount exchanged. This same charge is presently imposed upon all cash purchasers of the Variable Annuity Contracts except where the death benefit is inapplicable or de minimis. The Variable Annuity Contracts guarantee that the benefit payable in the event of death of the annuitant prior to the commencement of annuity payments will be the greater of the value of the contract or the total stipulated payments made under the contract.

Section 11(a) provides, in pertinent part, that it shall be unlawful for any registered open-end company or any principal underwriter for such company to offer to exchange the securities of such company for the securities of any other registered open-end investment company on any basis other than the relative net asset values of the securities to be exchanged unless the terms of the offer have been submitted to and approved by the Commission.

Applicants state that if a shareholder of TEFI is permitted to exchange his shares for a variable annuity contract on the sole basis of the relative net asset values of the respective securities without charge for administrative expenses or minimum death benefits, the TEFI shareholder may completely avoid bearing the expenses properly allocable to the maintenance of his account; and such expenses, as a consequence, will be unfairly borne by cash purchasers. The proposed charges are calculated to treat the investor who exchanges shares in TEFI for a variable annuity contract on the

same basis for the purpose of administrative expenses and minimum death benefits as the investor who purchases a variable annuity contract for cash.

Applicants assert that for the reasons stated above, approval of the terms of the proposed offer described heretofore would not be inconsistent with the purpose of section 11(a) and that disapproval of said offer would have the effect of discriminating against holders of variable annuity contracts in favor of shareholders of TEFI who elect to exchange their shares for a variable annuity contract.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants represent that the granting of the application is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 17, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-11895; Filed, Oct. 3, 1969;
8:46 a.m.]

[812-2356]

WASHINGTON NATIONAL INSURANCE CO. AND WASHINGTON NATIONAL VARIABLE ANNUITY FUND B

Notice of Application for Exemptions

SEPTEMBER 30, 1969.

Notice is hereby given that Washington National Insurance Co. ("Washington National"), 1630 Chicago Avenue, Evanston, Ill. 60201, a stock life insurance company organized under the laws of the State of Illinois, and Washington National Variable Annuity Fund B ("Variable Fund B"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), hereinafter collectively called "Applicants", have filed an application pursuant to section 6(c) of the Act for an order of exemption to the extent noted below from the provisions of sections 12(d) (1), 22(d), 22(e), 26(a), 27(a) (4), 27(c) (1), and 27(c) (2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Variable Fund B was established by Washington National in connection with the proposed sale to individuals of variable annuity contracts ("Contracts"). Net purchase payments under Contracts will be allocated to Variable Fund B and invested in shares of Washington National Fund, Inc., ("Fund"), an open-end investment company registered under the Act.

Variable Fund B was established by the board of directors of Washington National on April 30, 1968, pursuant to the laws of Illinois. Under these laws Variable Fund B is an integral part of Washington National. The latter holds all of the assets of Variable Fund B and is responsible for the performance of the obligations of Variable Fund B under the Contracts. However, under the Illinois Insurance Code, the income, gains, and losses of Variable Fund B may be credited to or charged against the amounts allocated to it in accordance with the Contracts without regard to the other income, gains, or losses of Washington National, and the assets of Variable Fund B are not chargeable with liabilities arising out of any other account or business Washington National may conduct.

Applicants request exemption from the following provisions of the Act to the extent stated below:

Section 12(d) (1), in pertinent part, provides in substance that it shall be unlawful for any registered investment company (Variable Fund B) to purchase any security issued by any other investment company (Fund) if such registered investment company will, as a result of that purchase, own more than 3 percent of the outstanding voting stock of the other investment company, unless the registered investment company owns at least 25 percent of the outstanding voting stock of such other investment company. Section 12(d) (1) (B) of the Act provides, in substance, that such restriction is not

applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates, pursuant to the terms of the trust indenture under which such certificates are issued.

Variable Fund B, which does not own at least 25 percent of the outstanding voting stock of Fund, will acquire more than 3 percent of the outstanding voting stock of Fund with the proceeds of payments on periodic payment plan certificates which are not issued pursuant to the terms of a trust indenture. Applicants state that an exemption from section 12(d) (1) is appropriate because the purchase of Fund shares with such payments will be substantially identical in all respects relevant to section 12(d) to the purchase of securities with the proceeds of payments on periodic payment plan certificates, pursuant to the terms of the trust indenture under which such certificates are issued.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus. Applicants state that deductions for sales and administrative expenses will be made from purchase payments under single purchase payment forms of Contracts as follows: 8½ percent of the first \$10,000 or portion thereof, 7 percent of the next \$15,000 or portion thereof, 5¼ percent of the next \$25,000 or portion thereof, and 3 percent of the excess over \$50,000. (Applicants estimate that 41 percent of such deduction is for sales expense and 59 percent is for administrative expense). Applicants state that deductions for sales and administrative expense will be made from periodic purchase payment forms of Contracts as follows: 20 percent of purchase payments for the first and second years, 18 percent of such payments for the third year and 5½ percent of such payments for subsequent years. (40 percent of such deduction is for sales expense and 60 percent is for administrative expense). Applicants request an exemption from section 22(d) to permit sales of single purchase payment Contracts with reduced sales and administrative expense deductions of 6 percent of the first \$10,000 or portion thereof, 5 percent of the next \$15,000 or portion thereof, 3¾ percent of the next \$25,000 or portion thereof and 2 percent of the excess over \$50,000 and to permit sales of periodic purchase payment Contracts with reduced sales and administrative expense deduction of 5½ percent of purchase payments for all years to officers, directors and full-time employees and sales representatives of Washington National who have acted as such for not less than 90 days and who are eligible to participate under Washington National's savings and profit-sharing or group insurance plans. Applicants also request exemption from section 22(d) to permit this lower sales and administrative deduction to be made upon purchases of single purchase payment Contracts with amounts payable as death and matured endowment proceeds under tax-qualified policies and contracts issued or assumed

by Washington National, and with respect to cash surrender values under such policies and contracts where the insured has attained 60 years of age and upon purchases of single purchase payment Contracts with amounts payable under any Washington National non-tax-qualified trust, pension, profit-sharing, retirement or other benefit plan for any officers, directors, full-time employees and sales representatives of Washington National who have acted as such for not less than 90 days and who are eligible to participate under Washington National's savings and profit-sharing or group insurance plans.

Applicants state that these proceeds or cash surrender values applied to purchase Contracts will already have been subjected to sales charges, and the actual sales expenses of both types of sales will be less than with respect to sales to other purchasers because no sales commissions will be paid with respect thereto.

Applicants further request exemption from the provisions of section 22(d) to the extent, if any, necessary to permit payees receiving annuity benefits to transfer to another available form of settlement option (including transfers from fixed payment settlement options to variable payment settlement options) without imposition of any additional sales and administrative charge.

Sections 22(e) and 27(c) (1) provide, in pertinent part, that a registered investment company shall not suspend the right of redemption or postpone the date of payment of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption and prohibit a registered investment company issuing periodic payment plan certificates from selling any such certificate unless such certificate is redeemable. Applicants request an exemption from the provisions of sections 22(e) and 27(c) (1) to permit payment of a "commuted value" under certain circumstances during the period following commencement of annuity payments.

Applicants state that in a situation in which a form of settlement is elected which is not based upon a life contingency, Contract may be surrendered and the payee may receive the withdrawal or commuted value. Further, when the annuitant elects a form of settlement based upon a life contingency but providing for annuity payments for an assured period, and dies during such period, unless otherwise directed in a settlement option election, the annuitant's estate will receive the commuted value of the unpaid payments for the assured period. Applicants state that such commuted values are computed on the basis of the present value of the right to receive future payments rather than on the basis of a proportionate share of the current net assets of Variable Fund A, and that therefore, Contract may no longer be deemed to be a "redeemable security" within the meaning of section 2(a) (31) of the Act.

Sections 26(a) and 27(c) (2), in pertinent part, prohibit a registered investment company issuing periodic payment

plans, or a depositor or principal underwriter for such a company, from selling any security issued by such an investment company unless the proceeds of all payments, other than sales load, are deposited with a qualified bank as trustee or custodian ("trustee") and are held by the trustee under an agreement which provides (i) that the trustee shall have possession of all property of the trust and shall segregate and hold the same in trust, (ii) that the trustee shall not resign until either the trust has been liquidated or a successor bank has been appointed, (iii) that the trustee may collect from income and, if necessary, from the corpus of the trust fees for services performed and reimbursement of expenses incurred, and (iv) that no payment to the depositor or principal underwriter shall be allowed the trustee as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to the depositor or principal underwriter.

In support of the requested exemption from the foregoing provisions of the Act, Applicants state that net purchase payments under the Contracts will be allocated to Variable Fund B and will be invested in shares of Fund; that such shares will be held on open account so that ownership thereof will be shown only on the books and records of Variable Fund B and of the Fund, and that such shares will not be evidenced by transferable stock certificates which might require a trusteeship or custodianship for safekeeping purposes. Applicants further state that Washington National is subject to extensive supervision and control by the Director of Insurance of the State of Illinois; that under Illinois law neither Variable Fund B nor Washington National may abrogate its obligations under the Contracts; that Washington National had total assets of over \$491 million at December 31, 1968, and that its officers and employees are covered by a fidelity bond up to the amount of \$2 million; and that Illinois law insulates the assets of Variable Fund B from the liabilities of any other business of Washington National. Applicants state that under the foregoing circumstances the dangers against which sections 26(a) and 27(c)(2) are directed are not present.

Applicants have consented that the requested exemption from sections 26(a) and 27(c)(2) be subject to the conditions that (1) any charges to variable annuity contract holders for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose; and (2) that the payment of sums and charges out of the assets of Variable Fund B, other than any charges for administrative services, shall not be deemed to be exempted from regulation by the Commission, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of the

assets of Variable Fund B, other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such sums and charges.

Section 27(a)(4), in pertinent part, prohibits the sale of any periodic payment plan certificate if the first payment on such certificate is less than \$20 or any subsequent payment is less than \$10.

Applicants state that the periodic payment Contracts prohibit any payment of less than \$10 and require a purchase payment schedule of at least \$100 annually. It is therefore possible that an initial payment of less than \$20 may be made. Applicants further state that a requirement of a minimum initial payment of \$20 might eliminate uniformity in periodic payments and would create administrative and accounting burdens for Variable Fund B and for any employers making payroll deductions. The sales and administrative expense deduction is made from each periodic payment through the first year of each Contract and there is no special charge imposed solely upon or in connection with the first such payment. Deductions will be uniform over the period of the first year of each Contract, and Applicants represent that there is no need for any special treatment of the initial payment.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 13, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the 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. 69-11896; Filed, Oct. 3, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 917]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 1, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 55581 (Sub-No. 17 TA), filed September 26, 1969. Applicant: UTAH PACIFIC TRANSPORT CO., 1891 West 2100 South Street, Salt Lake City, Utah 84119. Applicant's representative: Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fire hydrants, gate valves, pipe, pipe fittings, and iron and steel articles*, (1) from the plantsite and shipping facilities of Pacific States Cast Iron & Pipe Co., at or near Ironton and Provo, Utah, to points in Oregon; and (2) from the plantsite and shipping facilities of Oregon Steel Mills at or near Portland, Oreg., to points in Utah, for 180 days. Supporting shippers: Pacific States Cast Iron Pipe Co., Provo (Ironton), Utah 84601 (Glade Anderson, Sales Manager); Oregon Steel Mills, 5200 Northwest Front Avenue, Portland, Oreg.

97210. (Norman Fortier, Traffic Manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 64932 (Sub-No. 479 TA), filed September 24, 1969. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp. at Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: United States Steel Corp., 525 William Penn Place, Pittsburgh, Pa. 15230. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 74857 (Sub-No. 27 TA), filed September 26, 1969. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: Donald E. Fuller (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from points in Carroll County, Ky., to points in Indiana on and south of Indiana Highway 28, for 180 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117344 (Sub-No. 195 TA), filed September 25, 1969. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio. Applicant's representative: John C. Spencer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp., Haverhill, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: United States Steel Corp., 525 William Penn Place, Pittsburgh, Pa. 15230. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate

Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117395 (Sub-No. 16 TA) (Correction), filed September 8, 1969, published FEDERAL REGISTER issue of September 23, 1969, corrected and republished as corrected, this issue. Applicant: SOUTHERN CEMENT TRANSPORT, INC., Post Office Box 188, Okay, Ark. 71854. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, in bulk, in tank vehicles, from Okay Junction, Ark., to points in Louisiana in and north of the following parishes: Vernon, Rapides, La Salle, Catahoula, and Concordia, for 180 days. Supporting shipper: Ideal Cement Co., Division of Ideal Basic Industries, Inc., 821 17th Street, Denver, Colo. 80202. Note: The purpose of this republication is to show operation as that of a *contract carrier*, in lieu of common carrier, which was shown erroneously in previous publication. Send protests to: William H. Land, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 117940 (Sub-No. 9 TA), filed September 26, 1969. Applicant: NATION-WIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: M. James Levitur (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats and packinghouse products*, from St. Cloud, Minn., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin for 180 days. Supporting shipper: Meats, Inc., 14th Street and Third Avenue South, St. Cloud, Minn. 56301. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 119391 (Sub-No. 3 TA) (Correction), filed September 4, 1969, published FEDERAL REGISTER issue of September 24, 1969, corrected and republished as corrected, this issue. Applicant: AJAX TRANSFER COMPANY, 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: Sam Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Minneapolis-St. Paul, Minn., to points in Minnesota, Ontonagon, and Gobelet Counties, Mich.; Vilas, Iron, Ashland, Bayfield, Douglas, Burnett, Washburn, Sawyer, Price, Taylor, and Rush Counties, Wis.; Barron, Polk, St. Croix, Dunn,

Chippewa, Clark, Marathon—on and west of Wisconsin Highway 97, Wood, Eau Claire, Pepin, Pierce, Buffalo, Jackson, Trempealeau, La Crosse, Monroe, Juneau, Vernon, Crawford, Richland, and Sauk Counties, Wis., and Cass and Grand Forks Counties, N. Dak., for 180 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Note: The purpose of this republication is to show operation as that of a *contract carrier*, in lieu of common carrier, shown erroneously in previous publication. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 124045 (Sub-No. 4 TA) (Correction), filed September 12, 1969, published FEDERAL REGISTER issue of September 23, 1969, corrected and republished as corrected, this issue. Applicant: RAYMOND G. WISHARD, doing business as WISHARD TRUCKING, Route 5, Chambersburg, Pa. 17201. Applicant's representative: C. F. Germelan, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet* (broken glass), from Crestline, Ohio, to Fairmont, W. Va., for 150 days. Supporting shipper: Advance Cullett Corp., 3717 South Albany Avenue, Chicago, Ill. Note: The purpose of this republication is to correct the duration of time to 150 days in lieu of 180 days. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 124987 (Sub-No. 14 TA) (Correction), filed September 8, 1969, published FEDERAL REGISTER issue of September 25, 1969, corrected, and republished as corrected, this issue. Applicant: EARL L. BONSACK and ELAINE M. BONSACK, a partnership, doing business as EARL L. BONSACK, 512 West Plainview Road, La Crosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising material* when shipped with malt beverages, from La Crosse and Sheboygan, Wis., to points in Illinois; and *returned empty malt beverage containers (used)*, used in transporting malt beverages, on return, for 180 days. Supporting shipper: G. Heileman Brewing Co., Inc., 925 South Third Street, La Crosse, Wis. 54601. Note: The purpose of this republication is to show operation as that of a *contract carrier*, in lieu of common carrier, which was shown erroneously in previous publication. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 125808 (Sub-No. 3 TA), filed September 26, 1969. Applicant: AAACON AUTO TRANSPORT, INC., 147 West 42d Street, New York, N.Y. Applicant's

representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles*, with or without baggage, personal effects, and sporting equipment, between points in Florida, in and south of Pinellas, Hillsborough, Polk, Osceola, and Indian River Counties, on the one hand, and, on the other, points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and New York, N.Y., those in New Jersey, those in Connecticut west of the Connecticut River, and those in the Philadelphia, Pa., commercial zone. Restriction: Limited to utilization of rail substituted service between railroad trailer-on-flatcar ramps in Miami and Tampa, Fla., and railroad trailer-on-flatcar ramps in New York, New Jersey, and Philadelphia, Pa., for 180 days. Supporting shipper: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 128053 (Sub-No. 3 TA), filed September 26, 1969. Applicant: MID-WEST TRUCKING, INC., Post Office Box 166, Billings, Mont. 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in cans, bottles, and kegs, from La Crosse, Wis., to points in Montana, for 180 days. Supporting shippers: Gusto Distributing Co., Post Office Box 1213, Great Falls, Mont. 59401; Top Beer Distributing Co., Inc., Post Office Box 1423, Billings, Mont. 59103; Highlander Distributing Co., Post Office Box 1077, Missoula, Mont. 59801; and Kirwin Distributing Co., 928 11th Avenue, Helena, Mont. 59601. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134013 TA (Correction), filed September 10, 1969, published FEDERAL REGISTER issue of September 24, 1969, corrected and republished as corrected, this issue. Applicant: EUGENE HUTCHINSON'S LIMITED, 6132 103d Street,

Edmonton, Alberta, Canada. Applicant's representative: D. R. Walker (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Continuous sucker rod* on trailers (oil field equipment), from ports on entry located on the United States-Canada boundary line in Montana, North Dakota, and Idaho, to points in Texas, California, Montana, Wyoming, North Dakota, South Dakota, and Idaho, for 180 days. Supporting shipper: Corod Manufacturing, Ltd., 11631 80th Street, Postal Station C—Box 6300, Edmonton, Alberta, Canada. NOTE: The purpose of this republication is to show operation as that of a contract carrier, in lieu of common carrier, which was shown erroneously in previous publication, and to include South Dakota as a destination State. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134024 TA (Correction), filed September 15, 1969, published FEDERAL REGISTER issue of September 25, 1969, corrected, and republished as corrected, this issue. Applicant: JAMES WOMICK, doing business as OLD ORCHARD HOMES TRANSIT, 607 South Main Street, Anna, Ill. 62906. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes and trailers* of all types and component parts and fixtures thereof, from points in Union County, Ill., to points in Indiana, Kentucky, Tennessee, Alabama, Missouri, Ohio, Iowa, Mississippi, Arkansas, and return, for 180 days. Supporting shipper: Old Orchard Homes, Inc., Post Office Box 55, Anna, Ill. 62906. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704. NOTE: The purpose of this republication is to show operation as that of a contract carrier in lieu of common carrier, shown erroneously in previous publication.

No. MC 134031 TA (Correction), filed September 17, 1969, published FEDERAL REGISTER issue of September 26, 1969, corrected and republished as corrected, this issue. Applicant: JOSEPH WALDON AND WILLIAM G. YOKELEY, a partnership, doing business as MAC'S PRODUCE COMPANY, Louisburg Road, Raleigh, N.C. 27604. Applicant's representa-

tive: Chas. M. Hassell, Jr., Wachovia Bank Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers* such as baskets, hampers, and crates, manufacturer of wood, wood and wire combined, or wood, wire and plastic combined (set up or knocked down); *crate material*, wooden, from Murfreesboro (Hertford County) and Milwaukee (Northampton County), N.C., to points in North Carolina, South Carolina, Georgia, and Florida, for 180 days. Supporting shipper: Georgia-Pacific Corp., Southern Division, Post Office Box 909, Augusta, Ga. 30803. NOTE: The purpose of this republication is to include a portion of the commodity description, which was inadvertently omitted from previous publication. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 420 TA), filed September 29, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, for 43 days commencing on November 19, 1969, beginning and ending at New York City, N.Y., and points in Essex, Hudson, Morris, Middlesex, Passaic, and Union Counties, N.J., and extending to the Liberty Bell Park Race Track, Philadelphia, Pa. Supported by: There are affidavits from 66 prospective passengers attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-11921; Filed, Oct. 3, 1969; 8:49 a.m.]

