FEDERAL REGISTER

VOLUME 34 • NUMBER 230

Tuesday, December 2, 1969 • Washington, D.C.

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Part I

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Agricultural Research Service
Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Coast Guard
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Housing Administration
Federal Maritime Commission
Federal Power Commission
Federal Register Administrative Committee
Federal Reserve System
Federal Trade Commission
Fiscal Service
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Food and Drug Administration
Foreign Assets Control Office
General Services Administration
Housing and Urban Development Department
Interstate Commerce Commission
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National Park Service
Securities and Exchange Commission

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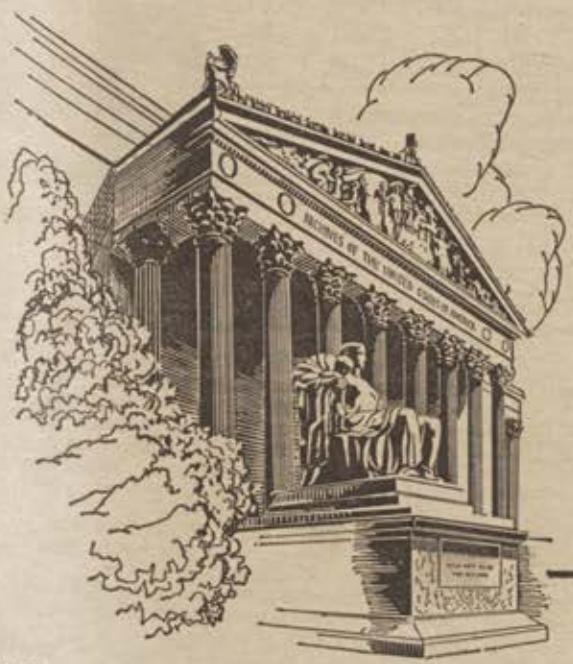

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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PART 102—GRAIN WAREHOUSES

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PART 104—WOOL WAREHOUSES

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PART 106—DRY BEAN WAREHOUSES

PART 107—NUTS WAREHOUSES

PART 108—SIRUP WAREHOUSES

PART 111—COTTONSEED WAREHOUSES

Licensing and Inspection Fees

On July 4, 1969, there was published in the FEDERAL REGISTER (34 F.R. 11272) a notice in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service, pursuant to the authority conferred by section 28 of the United States Warehouse Act (7 U.S.C. 268) was considering amending the warehouse regulations appearing in Parts 101 through 103 and Part 111 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations, to increase licensing and inspection fees with respect to warehouses licensed under the Act.

Interested persons were given 30 days in which to submit written data, views, or arguments concerning the proposed revision of the regulations. A number of comments were received from grain warehousemen and grain associations concerning the proposed increase in inspection fees for grain warehousemen under § 102.58. These comments stated that grain warehousemen have not received any increase in storage charges for grain stored under the Uniform Grain Storage Agreement, and argued that the proposed increase in inspection fees would be inflationary and a hardship on small grain warehousemen.

In view of these comments, the proposed fee schedule for § 102.58 has been reconsidered and the inspection fee will be increased from $5 per 10,000 bushels of the grain storage capacity to $6 per 10,000 bushels of the grain storage capacity, in lieu of the proposed increase to $1 per 1,000 bushels. The proposed minimum and maximum inspection fees will be retained. Past experience has shown that the cost of examining large complex grain warehouses was considerably in excess of the previous maximum inspection fee. It is expected that the revised schedule will enable the Government to recover the approximate cost of inspections of large complex grain warehouses and not work a hardship on small grain warehousemen. No comments were received concerning the other amendments proposed.

After due consideration of all relevant matters, and under the aforesaid authority, §§ 101.51, 102.58, 103.48, 104.46, 105.47, 106.55, 107.56, 108.48, 111.58, 103.49, 104.47, 105.48, 106.56, 107.57, 108.49, and 111.59 of the regulations are amended as follows:

1. Section 101.51 is amended to read:

§ 101.51 Warehouse inspection fee.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $20 for each 1,000 bales of cotton storage capacity of the warehouse, or fraction thereof, determined in accordance with § 101.5, but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

2. Section 102.58 is amended to read:

§ 102.58 Warehouse inspection fee.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $6 for each 10,000 bushels of the grain storage capacity of the warehouse, or fraction thereof, determined in accordance with § 102.6(a), but in no case less than $40 nor more than $1,000, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

3. Section 103.48 is amended to read:

§ 103.48 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license, or amendment thereto, issued to a sampler, weigher, grader, or an inspector.

4. Section 104.46 is amended to read:

§ 104.46 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a grader or weigher.

5. Section 105.47 is amended to read:

§ 105.47 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a grader, weigher, or an inspector.

6. Section 106.55 is amended to read:

§ 106.55 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to an inspector or weigher.

7. Section 107.56 is amended to read:

§ 107.56 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a sampler, grader, weigher, or an inspector.

8. Section 108.48 is amended to read:

§ 108.48 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to a weigher or an inspector.

9. Section 111.58 is amended to read:

§ 111.58 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to an inspector, weigher, or grader.

10. Section 103.49 is amended to read:

§ 103.49 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $3 for each 100,000 pounds of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 103.12, but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

11. Section 104.47 is amended to read:

§ 104.47 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $2 for each 100,000 pounds of storage capacity of the warehouse or fraction thereof, determined in accordance with § 104.12(a), but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

12. Section 105.48 is amended to read:

§ 105.48 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $5 for each 1,000 bales of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 105.12(a), but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

13. Section 106.56 is amended to read:

§ 106.56 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $1 for each 1,000 hundredweight of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 106.12(a), but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

14. Section 107.57 is amended to read:

§ 107.57 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee based on the storage capacity of the warehouse, determined in accordance with § 107.12(a), and at the rate of $1 for each 100 tons, or fraction thereof, of peanuts, and $4 for each 1,000 hundredweight, or fraction thereof, of other nuts, to be stored in the warehouse, but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

15. Section 108.49 is amended to read:

§ 108.49 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $1 for each 5,000 gallons of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 108.12 (a), but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

16. Section 111.59 is amended to read:

§ 111.59 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $10 for each 1,000 tons of the storage capacity of the warehouse or fraction thereof, determined in accordance with § 111.13, but in no case less than $40 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

(Sec. 10, 39 Stat. 487, as amended, sec. 28, 39 Stat. 490; 7 U.S.C. 251, 268)

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

Done at Washington, D.C., November 25, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-14214; Filed, Dec. 1, 1969; 8:47 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Brown-Tail Moth

REGULATED AREAS

Under the authority of § 301.45–2 of the Gypsy Moth and Brown-Tail Moth quarantine regulations, 7 CFR 301.45–2, as amended, 33 F.R. 17342, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.45–2a, as follows:

§ 301.45–2a Regulated areas; suppressive and generally infested areas.

(a) The civil divisions or parts of civil divisions, described below, are designated as gypsy moth regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or supressive areas as indicated below:

CONNECTICUT

(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

MAINE

(1) *Generally infested area.*

Androscoggin County. The entire county.

Cumberland County. The entire county.

Franklin County. The towns of Avon, Berlin, Carthage, Chesterville, Crockertown, Dallas Plantation, Farmington, Freeman, Greenvale, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E.

Hancock County. All of the county except Plantations 3, 4, 35, and 41.

Kennebec County. The entire county.

Knox County. The entire county.

Lincoln County. The entire county.

Oxford County. All that part of the county lying south and southeast of, and including, the towns of Magalloway and Richardsontown.

Penobscot County. The towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Edinburgh, Enfield, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Howland, Hudson, Kenduskeag, La Grange, Levant, Lincoln, Lowell, Mattamiscontis, Maxfield, Milford, Newburgh, Newport, Orono, Orrington, Passadumkeag, Plymouth, Stetson, Summit, and Veazie, and the cities of Bangor, Brewer, and Old Town.

Piscataquis County. The towns of Abbott, Atkinson, Dover-Foxcroft, Guilford, Kingsbury Plantation, Medford, Milo, Orneville, Parkman, Sangerville, Sebec, and Wellington.

Sagadahoc County. The entire county.

Somerset County. All that part of the county lying south and southeast of, and including, Highland and Pleasant Ridge Plantations, towns of Moscow, and Mayfield Plantation.

Waldo County. The entire county.

Washington County. The towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24.

York County. The entire county.

(2) *Suppressive area.* None.

MASSACHUSETTS

(1) *Generally infected area.* The entire State.

(2) *Suppressive area.* None.

NEW HAMPSHIRE

(1) *Generally infested area.*

Belknap County. The entire county.

Carroll County. The entire county.

Cheshire County. The entire county.

Coos County. All that part of the county lying south of, and including, the towns of Stratford, Odell, Dummer, and Cambridge.

Grafton County. The entire county.

Hillsboro County. The entire county.

Merrimack County. The entire county.

Rockingham County. The entire county.

Strafford County. The entire county.

Sullivan County. The entire county.

(2) *Suppressive area.* None.

NEW JERSEY

(1) *Generally infested area.*

Atlantic County. The entire county.

Bergen County. The entire county.

Burlington County. The entire county.

Camden County. The entire county.

Cape May County. The townships of Dennis and Upper; the cities of Ocean City and Sea Isle City; and the borough of Woodbine.

Essex County. The entire county.

Gloucester County. The townships of Deptford and West Deptford; the city of Woodbury; and the boroughs of National Park, Paulsboro, Wenonah, Westville, and Woodbury Heights.

Hudson County. The entire county.

Hunterdon County. The entire county.

Mercer County. The entire county.

Middlesex County. The entire county.

Monmouth County. The entire county.

Morris County. The entire county.

Ocean County. The entire county

Passaic County. The entire county.
Somerset County. The entire county.
Sussex County. The entire county.
Union County. The entire county.
Warren County. The entire county.
(2) *Suppressive area.*
Cape May County. The townships of Lower and Middle; the cities of Cape May, North Wildwood, and Wildwood; and the boroughs of Avalon, Cape May Point, North Cape May, Stone Harbor, South Cape May, West Cape May, West Wildwood, and Wildwood Crest.
Gloucester County. The boroughs of Clayton and Glassboro.
Salem County. The townships of Lower Alloways Creek and Pittsgrove.

NEW YORK

(1) *Generally infested area.*
Albany County. The entire county.
Bronx County. The entire county.
Clinton County. The entire county.
Columbia County. The entire county.
Delaware County. The towns of Andes, Bovina, Colchester, Davenport, Delhi, Hancock, Harpersfield, Kortright, Meredith, Middletown, Roxbury, and Stanford.
Dutchess County. The entire county.
Essex County. The towns of Chesterfield, Crown Point, Elizabethtown, Essex, Jay, Keene, Lewis, Minerva, Moriah, North Hudson, Schroon, Ticonderoga, Westport, Willsboro, and Wilmington.
Franklin County. The town of Chateaugay.
Fulton County. The entire county.
Greene County. The entire county.
Hamilton County. The towns of Benson, Hope, Indian Lake, Lake Pleasant, and Wells.
Herkimer County. The towns of Columbia, Danube, Fairfield, Frankfort, German Flatts, Herkimer, Litchfield, Little Falls, Manheim, Newport, Norway, Salisbury, Schuyler, Stark, Warren, and Winfield; and the city of Little Falls.
Kings County. The entire county.
Montgomery County. The entire county.
Nassau County. The entire county.
New York County. The entire county.
Oneida County. The towns of Deerfield, New Hartford, and Whitestown; and the city of Utica.
Orange County. The entire county.
Otsego County. The towns of Cherry Valley, Decatur, Maryland, Middlefield, Otsego, Richfield, Roseboom, Springfield, Westfort, and Worcester.
Putnam County. The entire county.
Queens County. The entire county.
Rensselaer County. The entire county.
Richmond County. The entire county.
Rockland County. The entire county.
Saratoga County. The entire county.
Schenectady County. The entire county.
Schoharie County. The entire county.
Suffolk County. The entire county.
Sullivan County. The entire county.
Ulster County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Westchester County. The entire county.
(2) *Suppressive area.*
Delaware County. The towns of Deposit, Franklin, Hamden, Masonville, Sidney, Tompkins, and Walton.
Madison County. The town of Brookfield.
Oneida County. The towns of Bridgewater, Kirkland, Marcy, Marshall, Paris, Sangerfield, and Westmoreland.
Otsego County. The towns of Burlington, Butternuts, Edmeston, Exeter, Hartwick, Laurens, Milford, Morris, New Lisbon, Oneonta, Otego, Pittsfield, Plainfield, and Unadilla; and the city of Oneonta.

PENNSYLVANIA

(1) *Generally infested area.*
Berks County. The entire county.
Bucks County. The entire county.
Carbon County. The entire county.
Centre County. The townships of Haines, Miles, and Penn; and the borough of Millheim.
Lackawanna County. The entire county.
Lehigh County. The entire county.
Luzerne County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Northampton County. The entire county.
Philadelphia County. The entire county.
Pike County. The entire county.
Schuylkill County. The entire county.
Susquehanna County. The entire county.
Wayne County. The entire county.
Wyoming County. The entire county.
(2) *Suppressive area.* None.

RHODE ISLAND

(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.

VERMONT

(1) *Generally infested area.*
Addison County. The entire county.
Bennington County. The entire county.
Caledonia County. The towns of Barnet, Danville, Groton, Kirby, Peacham, Ryegate, St. Johnsbury, and Waterford.
Chittenden County. The entire county.
Essex County. The towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory.
Franklin County. The towns of Fairfax, Fairfield, Fletcher, Franklin, Georgia, High Gate, St. Albans, Sheldon, and Swanton; and the city of St. Albans.
Grande Isle County. The entire county.
Lamoille County. The towns of Cambridge and Elmore.
Orange County. The entire county.
Rutland County. The entire county.
Washington County. The entire county.
Windham County. The entire county.
Windsor County. The entire county.
(2) *Suppressive area.* None.

(b) The civil divisions described below are designated as brown-tail moth regulated areas within the meaning of the provisions of this subpart:

MAINE

(1) *Generally infested area.*
York County. The entire county.
(2) *Suppressive area.* None.

MASSACHUSETTS

(1) *Generally infested area.*
Barnstable County. The entire county.
Essex County. The entire county.
(2) *Suppressive area.* None.

NEW HAMPSHIRE

(1) *Generally infested area.*
Belknap County. The entire county.
Carroll County. The entire county.
Cheshire County. The entire county.
Grafton County. The entire county.
Hillsboro County. The entire county.
Merrimack County. The entire county.
Rockingham County. The entire county.
Strafford County. The entire county.
Sullivan County. The entire county.
(2) *Suppressive area.* None.

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

This regulation shall become effective upon publication in the FEDERAL REGISTER when it shall supersede the supplemental regulations contained in 7 CFR 301.45–2a, effective November 23, 1968.

The Director of the Plant Protection Division has determined that infestations of the gypsy moth exist or are likely to exist in the civil divisions or parts of civil divisions listed as regulated areas in paragraph (a), or that it is necessary to regulate such areas because of their proximity to gypsy moth infestations or their inseparability for quarantine enforcement purposes from gypsy moth infested localities. Such Director has also determined that infestations of the brown-tail moth exist or are likely to exist in the counties of the quarantined States listed in paragraph (b), or that it is necessary to regulate such counties because of their proximity to brown-tail moth infestations or their inseparability for quarantine enforcement purposes from brown-tail moth infested localities. The Director has further determined that each of the quarantined States, wherein less than the entire State is designated as a regulated area, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the gypsy moth and brown-tail moth. Accordingly, such civil divisions and parts of civil divisions listed above in paragraph (a) are designated as gypsy moth regulated areas, and those listed above in paragraph (b) are designated as brown-tail moth regulated areas.

This revision adds to the infested gypsy moth regulated areas the following previously nonregulated localities:

In Pennsylvania the counties of Lackawanna, Luzerne, Montgomery, Philadelphia, Susquehanna, and Wyoming in their entirety; and a portion of Centre County. It also adds to the previously regulated counties of Berks, Bucks, Carbon, Lehigh, Northampton, and Schuylkill. In New Jersey, it adds regulated areas to the previously regulated counties of Atlantic, Burlington, Cape May, and Mercer; adds the entire previously noninfested county of Camden, and a portion of the county of Glouchester.

This revision makes no change in paragraph (b) of § 301.45–2a of the regulations designating brown-tail moth regulated areas.

This document imposes restrictions that are necessary in order to prevent the dissemination of the gypsy moth and the brown-tail moth, and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of November 1969.

[SEAL] JOSEPH F. SPEARS,
Acting Director.

[F.R. Doc. 69–14213; Filed, Dec. 1, 1969; 8:47 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 8]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Revision of Certain Disposition Dates

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of correcting an error in certain crop disposition dates for Montana. The regulations governing determination of acreage and compliance, 32 F.R. 9069, as amended, are further amended as follows:

Paragraph (b) of § 718.27 is amended for Montana by revising all subparagraphs. The revised subparagraphs read as follows:

§ 718.27 **Crop disposition dates.**

* * * * *

(b) *Crop disposition dates.* * * *

MONTANA

(1) *Rye—July 15.* All counties.

(2) *Wheat*—(i) *July 25.* Big Horn, Blaine, Broadwater, Cascade, Chouteau, Daniels, Dawson, Fallon, Fergus, Gallatin, Glacier, Golden Valley, Hill, Judith Basin, Liberty, Musselshell, Park Phillips, Pondera, Powder River, Prairie, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, and Yellowstone.

(ii) *July 15*—All other counties.

(3) *Barley, corn and grain sorghums—July 25.* All counties.

(4) *Oats—August 15.* All counties.

* * * * *

(Secs. 373, 374, 375, 52 Stat. 65, as amended, 66, as amended; 7 U.S.C. 1373, 1374, 1375)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on November 21, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14260; Filed, Dec. 1, 1969; 8:49 a.m.]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, Wheat Certificate Program for Crop Years 1968–70, and Wheat Diversion Program for Crop Years 1969–70

COUNTY PROJECTED YIELDS AND DIVERSION PAYMENT RATES; CORRECTION

In F.R. Doc. 69-12979 appearing at page 17757 in the issue of Tuesday, November 4, 1969, the following changes should be made:

1. On page 17762, the projected yield for Dunklin County, Mo., now reading "30" should read "38.0".

2. On page 17763, the rate for computing diversion payments in Fergus County, Mont., now reading "1.09" should read "1.07".

(Secs. 339(g), 375(b), 379j; 52 Stat. 66, 76 Stat. 624, 76 Stat. 630; 7 U.S.C. 1339(g), 1375(b), 1379j)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 25, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14261; Filed, Dec. 1, 1969; 8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 5]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Conversion factor basis of reporting

On pages 17730 and 17731 of the FEDERAL REGISTER of November 1, 1969, there was published a notice of proposed rule making to provide a change in the conversion factor for granular cereal listed in the Republication of the Processor Wheat Marketing Certificate Regulations, as amended (33 F.R. 14676, 34 F.R. 5817, 6907, 11412, 13522).

The processor producing that particular type of product altered his method of production. The new method resulted in extraction percentages for the coproducts which differed from those currently set forth in the regulations, and accordingly an amendment is deemed necessary.

Interested persons were given 15 days in which to submit written comments, suggestions, or objections regarding the proposed amendment.

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

Since the provisions of this amendment as set forth below must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is impracticable and contrary to the public interest and that this amendment shall be effective as provided below.

Effective date. The change in the conversion factor as set forth below shall be effective with respect to granular cereal processed on and after July 1, 1969.

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

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

Section 777.14(c) is amended by changing the conversion factor of granular cereal as follows:

§ 777.14 **Conversion factor basis of reporting.**

* * * * *

(c) *Conversion factors* * * *

A—*Food Product*	B—*Bushels of wheat equivalent per 100 pounds of product (conversion factor)*
* * *	* * *
Granular cereal (extraction approximately 21 percent granular cereal and 55 percent flour)[1]	1.827

* * * * *

[F.R. Doc. 69-14262; Filed, Dec. 1, 1969; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER D—DETERMINATION OF FARMS

[§ 827.2 Amended]

PART 827—PUERTO RICO

1962–63 and Subsequent Crops

On page 14896 of the FEDERAL REGISTER of September 27, 1969, there was published a notice of proposed rule making to amend the regulation which determines a farm in Puerto Rico for purposes of the Sugar Act of 1948, as amended. Interested persons were given 34 days in which to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed regulation, as amended, is hereby adopted without change and is set forth below with citation of authority added.

Effective date: Date of publication.

Signed at Washington, D.C., on November 25, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

§ 827.2 **Determination of a farm in Puerto Rico.**

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Person" means an individual, partnership, corporation, or association.

(2) "Producer" means a person who is the legal owner, at the time of harvest or abandonment, of a portion or all of a crop of sugarcane grown on a farm for the extraction of sugar or liquid sugar.

(b) *Constitution of a farm.* For the 1962–63 and subsequent sugarcane crops

in Puerto Rico, a farm shall be constituted according to whichever one of the following subparagraphs is applicable according to the prevailing circumstances, subject to the provisions of subparagraph (4) of this paragraph.

(1) "Farm" means all land which is farmed by one or more producers as a farming unit with cropping practices, equipment, workstock, labor, and management substantially separate from that of any other such unit, and also includes all other land on which sugarcane farming operations are carried out with respect to which such producer(s) furnishes management services and (i) receives for such management services an amount in excess of 12½ percent of the aggregate net market proceeds from the producer's share of the sugar and molasses produced from the sugarcane, (ii) assumes an obligation for loss, (iii) shares in the net profit, or (iv) guarantees directly or indirectly a stipulated amount to any person who owns or controls land on which such farming operations are carried out.

(2) "Farm" means all land owned or controlled by a producer who separately or together with other producers, except processor-producers, owns the crop and bears the full financial risks of producing the sugarcane crop grown on such land and who carries out the sugarcane farming operations on such land by utilizing management services for which an amount is payable not in excess of 12½ percent of the aggregate net market proceeds from the producer's share of the sugar and molasses obtained from the sugarcane produced on the farm as computed pursuant to the applicable fair price determination (Part 877 of this chapter).

(3) "Farm" means all land included in a proportional profit farm which is organized pursuant to the provisions of title IV of the Land Law of Puerto Rico, supervised by a manager with headquarters on the farm, and operated with workstock, light equipment, farm buildings and labor substantially separate from that of any other such farm.

(4) Effective for the 1969–70 crop and subsequent crops of sugarcane and whenever the circumstances described in this subparagraph (4) exist, subparagraphs (1) and (2) of this paragraph shall not apply and "farm" means all land controlled by two or more producers who carry out the sugarcane farming operations on such land by utilizing the management services of the same company, and (i) are affiliate companies of the company furnishing management services or (ii) are acting as agents of affiliate companies of the company furnishing management services or are trustees administering trust plans or agreements established for the benefit of employees of affiliate companies of the company furnishing management services. For purposes of this subparagraph (4) a company is an affiliate of another company if either owns 50 percent or more interest in the other, if a third entity (hereinafter referred to as parent entity) owns 50 percent or more interest in both or if the parent entity owns 50 percent or more interest in one and 50 percent or more interest in an entity that owns 50 percent or more interest in the other.

(Secs. 304, 403, 61 Stat. 931, 932; 7 U.S.C. 1134, 1153)

[F.R. Doc. 69-14263; Filed, Dec. 1, 1969; 8:49 a.m.]

SUBCHAPTER I—DETERMINATION OF PRICES

PART 871—SUGAR BEETS

Fair and Reasonable Prices for 1969 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, due notice of public hearings, and consideration of evidence presented at hearings held during December 1968, and September 1969, the following determination is hereby issued:

Sec.
871.24 General requirements.
871.25 Purchase agreements.
871.26 Reporting requirements.
871.27 Applicability.
871.28 Subterfuge.

AUTHORITY: §§ 871.24 to 871.28 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 871.24 General requirements.

A producer of sugar beets who is also a processor of sugar beets (herein referred to as "processor") shall have paid, or contracted to pay for all sugar beets of the 1969 crop grown by other producers and processed by him, in accordance with the following requirements:

§ 871.25 Purchase agreements.

(a) The price for all 1969-crop sugar beets delivered by a producer and processed by a processor, shall be not less than that required to be paid pursuant to the 1969-crop sugar beet purchase contract between the processor and the producer, subject to the provisions of paragraphs (b), (c), (d), and (e) of this section.

(b) If the processor, in determining the net proceeds pursuant to the contract, makes a deduction from the gross sales price of sugar for factory-site bulk sugar storage facilities owned by the processor, or for factory-site bulk pulp storage facilities owned by the processor in those districts where producers share directly in the total net returns from the sales of sugar, pulp, and molasses, such deduction shall be limited to amortization of such facilities, including improvements, over a reasonable period, interest at prevailing rates on the unrecovered cost, taxes, insurance, maintenance, and operating costs properly applicable thereto. After the costs of the facilities, including improvements, have been fully recovered such deduction shall be limited to taxes, insurance, maintenance, and operating costs properly applicable thereto.

(c)(1) In factory districts using a scale-type sugarbeet purchase contract where the processor has constructed tanks for the storage of concentrated juice, has stored such juice for a period of not less than 30 days after the end of the slicing campaign, and has then processed such juice into granulated sugar, a charge representing the additional costs incurred as a result of factory cleanup and startup in connection with the juice processing campaign may be deducted from the gross sales price of sugar: *Provided*, That such charge shall not exceed 2 cents per month (based on the length of time such juice is stored between the end of the slicing campaign and the startup of the juice processing campaign, such period not to exceed 6 months) per 100 pounds of granulated sugar equivalent of the juice so stored.

(2) In those factory districts in Michigan and Ohio using a percentage-type sugar beet purchase contract, wherein growers share with the processor in factory extraction efficiency, and where the processor has constructed and is operating tanks for the storage of concentrated juice, a deduction from the gross sales price of sugar and byproducts may be made for the amortization of such tanks as provided in the processor's 1969-crop sugar beet purchase contract.

(d) The price for 1969-crop frozen sugar beets in the factory districts of the Great Western Sugar Co. shall be not less than that required to be paid pursuant to the 1969-crop sugar beet supplemental purchase contract in effect for the Billings factory district. The price for 1969-crop frozen sugar beets in the factory districts of Holly Sugar Co. shall be not less than that required to be paid pursuant to the 1969-crop sugar beet supplemental purchase contract in effect for the Worland factory district.

(e) In determining the net proceeds pursuant to the contract, the gross sales price per 100 pounds to be applicable to sugar sold to an affiliate company or other affiliate business entity, or to sugar used by the processor during the settlement period, shall not be less than the weighted average quoted basis price, less customary allowance, and plus appropriate prepays and package differentials which would have been applicable to such sugar had it been marketed to nonaffiliated purchasers.

§ 871.26 Reporting requirements.

The processor shall submit to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the close of the sales period specified in the sugarbeet purchase contract, an itemized statement for each settlement district, certified by an independent accountant, showing the computation of "net proceeds" or "net returns" as provided in such contract, such statement to be in substantially the form as that contained in Schedule A attached hereto and made a part hereof: *Provided*, That, if the processor markets sugar to an affiliate company or other affiliate business entity or if the processor uses any beet sugar, the weighted average gross sales price for each category, the marketing

expenses applicable to each, and the net proceeds derived therefrom shall be reported in substantially the form shown on Schedule A–1 attached hereto and made a part hereof, to supplement the information submitted in accordance with Schedule A: *Provided further*, That if the processor in determining net proceeds makes a deduction for factory-site bulk sugar, bulk pulp, or concentrated juice storage facilities owned by the processor, the total cost of such facilities, including improvements, the amount of the deduction and the expenses used in determining such deduction shall be reported in substantially the form shown on Schedule A–2 attached hereto and made a part hereof, to supplement the information submitted in accordance with Schedule A.

§ 871.27 Applicability.

The requirements of this part are applicable to all sugarbeets purchased from other producers and processed by a processor who produces sugarbeets (a processor-producer is defined in § 821.1 of this chapter).

§ 871.28 Subterfuge.

The processor shall not reduce returns to producers below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the Act, by a producer who processes sugarbeets of the 1969 crop grown by other producers.

Requirements of the act. Section 301 (c) (2) of this Act provides that the producer on the farm who is also, directly or indirectly, a processor of sugarbeets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or tool agreements, for any sugarbeets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

1969 fair price determination. This determination provides that a processor shall be deemed to have complied with the fair price provisions of the Act if he has paid, or contracted to pay, prices for all sugarbeets processed that are not less than those determined pursuant to the applicable 1969-crop purchase contract with producers or supplement thereto in those factory districts where beets were frozen in the ground, except that a processor may include among the items deductible in determining "net proceeds from sugar" a charge for the cost of constructing or operating tanks for the storage of concentrated juice, provided the processor, (1) if using a scale-type purchase contract, has stored such juice for a period of not less than 30 days between the end of the slicing campaign and the start of the juice campaign, or (2) if using a percentage-type contract, has stored such juice and has provided for a deduction for amortization in the 1969 contract.

At the public hearing held in Portland, Oreg., on December 5, 1968, a representative of Idaho sugarbeet growers testified that his association was approached by the processing company after negotiations on the 1968-crop contract had been completed and asked to participate in the cost of a concentrated juice storage tank on a 20-year amortization basis; that the growers had rejected the proposition as a part of the 1968 contract because they considered such costs to be a part of the normal processing function; that the use of a concentrated juice storage tank would enable the company to process additional sugar without having to increase all of its processing equipment; that the tank has now been erected and the company has indicated that growers would either be charged for the use of the tank or that following the end of the general campaign the juice would be processed into sugar immediately, bagged, and put into public storage; and that such public storage charges would be charged against net returns.

A representative of the Washington Sugar Beet Growers Association submitted a written statement pointing out that members of the association are receiving increased net returns due to their contract proposals, the processor's improved marketing practices, and the Department's efforts in achieving the price objective of the Sugar Act; that the sharing of net returns above $8.50 must be changed to correspond to the sharing relationship that prevails below $8.50; that a contract with minimum guaranteed nets is necessary for scheduling costs and returns; that the price growers receive should be kept comparable with their rising production costs; and that growers should be paid when the crop is delivered.

At the public hearing held in Presque Isle, Maine, on December 9, 1968, representatives of the Maine Sugarbeet Growers Association stated that they feel their contract is the most generous in the country; that delivery costs have been exceeding the growers' expectations but that no difficulty in reaching an agreement with the processor is anticipated; and that a goal of 33,000 planted acres for that area in 1969 seems realistic considering acreage expansion problems of the growers.

At the public hearing held in San Francisco, Calif., on December 17, 1968, a representative of the California Beet Growers, Ltd., stated that their 1969 contracts have been negotiated, and that initial payment would be based on an $8.25 net selling price.

After the series of public hearings held during December 1968 had been concluded, growers who have contracted to deliver sugarbeets to the Utah-Idaho Sugar Co. requested that the Secretary reopen the public hearings to consider whether the processor, when determining "net proceeds," may include among the items deductible a charge for the cost of construction or operation of tanks for the storage of concentrated juice. In response to that request a public hearing was held in Denver, Colo., on September 3, 1969.

A representative of Utah and Idaho sugarbeet growers testified that the processor had asked the growers to participate in the cost of concentrated juice storage, and that the growers had refused to do so. He stated that the processor had then informed the association that the facilities nevertheless would be utilized, and that a storage charge would be credited against the gross sales price of sugar when determining net proceeds in accordance with established accounting practices. The grower representative testified that such a charge would, in fact, be a radical departure from established practice; that concentrated juice cannot be considered refined sugar but rather a product in process and therefore an intermediate step in the manufacturing cycle; and that the tanks permit the processor to process more beets without increasing the handling and processing equipment, thereby reducing his unit costs. He further stated that the entire industry benefits from increased efficiency on the production side, but that the expense of such improvements are borne entirely by the growers, and that improvements on the processing side ought to be for the account of the processor alone. His testimony was endorsed and supported by several other witnesses.

A representative of the Utah-Idaho Sugar Co. testified that charges for storage of concentrated juice will increase, not decrease, net returns on which grower payments are based. He stated that facilities for the storage of concentrated juice are a questionable investment if used for processing alone, and full benefit from juice tanks can only be achieved by exploiting the storage and marketing potential; that it is much cheaper to build juice tanks than bulk sugar storage bins; and that the cost of carrying sugar inventory averages about $1.15 per bag per year, of which the grower bears 88 cents. Other witnesses representing processors generally supported his testimony.

Consideration has been given to the testimony presented at the public hearings, to the provisions of the purchase contracts, to the comparative average costs of producers and processors obtained by field study for a prior crop and recast in terms of prospective price and production conditions for the 1969 crop, and to other pertinent factors. The analysis indicates that the provisions for payment in the 1969 crop purchase contracts are fair and reasonable at levels of sugar prices which may be expected during the marketing season.

Under the terms of the basic sugarbeet purchase contract, a processor is not required to accept frozen beets. Within a few days after a severe freeze struck several factory districts in October, supplements to the 1969 contracts were agreed upon by processors and grower associations. Under the terms of the new agreements, processors are accepting

frozen beets with the growers receiving 60 percent of the proceeds from the sugar obtained. The provisions for payment in these supplements to the 1969 crop purchase contracts are also deemed to be fair and reasonable. Representatives of producers who testified at the public hearing objected to participation in the cost of concentrated juice facilities mainly on the grounds that regardless of how such facilities are utilized the process remains an intermediate step in the manufacturing cycle. Evidence available to the Department confirms that diversion of concentrated juice into holding tanks is an intermediate step in the manufacturing process, especially so when the campaign is not broken (that is, when concentrated juice is subjected to final processing immediately following the end of the slicing campaign). Nevertheless, the potential for a storage function is present, particularly when the slicing campaign is ended with a substantial quantity of concentrated juice stored in the holding tanks until needed for later processing and marketing as granulated sugar (i.e., when the campaign is broken). Moreover, analysis of data available indicates that (1) considerable savings are possible when public storage charges are avoided by holding an equivalent amount of sugar in the form of concentrated juice in storage prior to final processing, and that (2) the majority of such savings accrue to the account of producers.

Processors testified that the added costs associated with factory cleanup and startup when the campaign is broken offset gains on the processor's side arising out of savings on public storage, that unless producers participate in these costs it is not economically feasible for the processor to conduct a separate campaign to process concentrated juice, and that juice in the tanks will be processed immediately after the slicing campaign ends and the sugar produced will be stored in granulated form. They stated that the potential storage benefits to be derived from the utilization of such facilities are too great to be foregone over a "disagreement in principle."

The Department is reluctant to discourage the incentive toward improved efficiency, particularly when such improvements are plainly in the producers' best interests. For this reason the Department believes that the benefits to be gained from exploiting the storage potential of juice tanks outweigh the objections of the producers that they not be required to share in any of the costs thereof. In addition, there are indications that processors will not take advantage of the storage potential of juice tanks in the absence of producer participation, at least to the extent of the extra costs associated with factory cleanup and startup, leading to added rather than diminished producer costs. Accordingly, the charges against gross sugar sales provided for in this determination for scale-type contracts have been limited to an amount calculated to offset the estimated additional cost of factory cleanup and startup in connection with a broken campaign.

In the eastern sugarbeet area, where producers participate fully not only in total net returns from sugar and all byproducts but also in factory extraction efficiency, circumstances warrant a different approach. In those factory districts where increased sugarbeet production has lengthened the slicing campaign, pile losses have become excessive, in some cases upward from 5,000 tons of sugar, granulated equivalent. A majority of the benefits arising out of any significant reduction in such a substantial loss would accrue to producers. Therefore, those percentage-type purchase contracts containing a provision for the deduction of the amortization cost of concentrated juice facilities from the gross proceeds from the sales of sugar and byproducts are deemed to be fair and reasonable.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective upon publication in the FEDERAL REGISTER and is applicable to 1969-crop sugarbeets.

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

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

SCHEDULE A—STATEMENT OF AVERAGE NET RETURN OR NET PROCEEDS FROM SALES OF SUGAR [1]

Company .....
Settlement area .....
Settlement period .....

	Per hundredweight sugar (dollars)
Gross sales price	
Less sales and marketing expenses (applicable to sugar only):	
Federal excise tax	
Freight on sugar to destination	
Cash discount	
Allowances	
Public storage (actually paid)	
Off-site storage owned by the processor (amount charged)	
On-site storage (computed charge) [2]	
Loading and handling	
Cost of packing in excess of basis pack	
Taxes	
Insurance	
Brokerage and commissions	
Advertising	
Sales department expenses:	
Salaries	
Travel	
Miscellaneous	
Other (specify)	
Total expense	
Net return or net proceeds	

[1] Where the purchase contract provides that the proceeds from the sales of molasses and beet pulp are to be included in calculating the net return or net proceeds, show separately the gross sales price and the marketing expenses applicable to each.

[2] Obtain from Schedule A-2.

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company).

SCHEDULE A-1—STATEMENT OF GROSS SALES PRICES APPLICABLE TO SUGAR SOLD TO AFFILIATED COMPANIES OR ENTITIES AND USED BY THE PROCESSOR, AS COMPARED TO SALES TO NONAFFILIATED PURCHASERS

Item	Affiliated purchasers	Used by processor	Nonaffiliated purchasers
Sugar sold or used-cwt			
	Dollars per cwt.		
Quoted basis price			
Customary allowances:			
(Itemized)			
Open competitive			
Other:			
		XXXX	
		XXXX	
Basic price less allowances			
Prepay		XXXX	
Package differential		XXXX	
Gross sales price	$	$	$
Marketing expenses		(1)	
Net proceeds			

[1] If any marketing expenses are deducted from the gross sales price by the processor in computing net return for this particular sugar, such expenses shall be itemized separately.

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company).

SCHEDULE A-2—STATEMENT RELATING TO CHARGES FOR COMPANY-OWNED FACTORY-SITE BULK SUGAR, BULK PULP, AND CONCENTRATED JUICE STORAGE IN COMPUTING NET PROCEEDS, 1969 CROP (SUBMIT SEPARATE SCHEDULE FOR EACH FACILITY)

Company _____
Location of bulk sugar, pulp, or juice storage facility _____
Settlement areas included _____
Settlement period _____
Sugar sold during settlement period—Cwt. _____

(Total Dollars)

Original cost of facility (year first used ____) _____
Improvements (item and date):
_____ _____
_____ _____
_____ _____
_____ _____
Total cost of facility including improvements. _____
Total amount recovered prior to 1969-crop. _____
Total unrecovered cost of facility. _____
Operating costs or charges for 1969-crop:
Interest on unrecovered cost. _____
Taxes _____ _____
Insurance _____ _____
Maintenance and operating (Itemize):
_____ _____
_____ _____
_____ _____
_____ _____
Total operating costs for 1969-crop. _____
Amount applied against 1969-crop to amortize cost of facility. _____
Total amount charged for facility in computing net proceeds—1969 - crop — (to be carried to Schedule A as amount of deduction). _____
Unamortized cost of facility at end of 1969-crop. _____

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company.)

[F.R. Doc. 69-14256; Filed, Dec. 1, 1969; 8:49 a.m.]

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

[Orange Reg. 64]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Growers Administrative Committee reflect its appraisal of the Florida orange crop and the current and prospective market conditions. Shipments of oranges, except Temple and Murcott Honey oranges, are currently regulated and volume shipments of Temple oranges are expected to begin on or after December 1, 1969. The size and grade requirements specified herein are necessary to prevent the handling, on and after December 1, 1969, of oranges of the named varieties, including Temple oranges, that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 1, 1969. Domestic shipments of Florida oranges, except Temple and Murcott Honey oranges, are currently regulated pursuant to Orange Regulation 63 (34 F.R. 14379, 18599) and determinations as to the need for, and extent of, regulation of domestic shipments of Temple oranges must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of such orange shipments subsequent to December 1, 1969, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on November 25, 1969, held to consider recommendations for regulation; the provisions of this regulation are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of such oranges; it is necessary to make this regulation effective as hereinafter set forth to preclude the shipment of immature Temple oranges and to otherwise effectuate the declared policy of the act; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.520 Orange Regulation 64.

(a) *Order.* (1) Orange Regulation 63, as amended (34 F.R. 14379, 18599) is hereby terminated December 1, 1969.

(2) During the period December 1, 1969, through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Navel, Temple and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any oranges, except Navel, Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{14}/_{16}$ inches in diameter or smaller;

(iii) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden; or

(iv) Any Navel oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{14}/_{16}$ inches in diameter or smaller.

(v) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(vi) Any Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. standards for Florida Oranges and Tangelos;

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the applicable meaning given to the respective term in the U.S. standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title).

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

Dated: November 26, 1969.

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

[F.R. Doc. 69–14293; Filed, Nov. 28, 1969; 1:00 p.m.]

[Navel Orange Reg. 184, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

Order, as amended. The provisions in paragraph (b)(1), (i), (ii), and (iii) of § 907.484 (Navel Orange Regulation 184, 34 F.R. 18449) are hereby amended to read as follows:

§ 907.484 Navel Orange Regulation 184.

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

(i) District 1: 1,058,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 92,000 cartons.

* * * * *

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

Dated: November 26, 1969.

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

[F.R. Doc. 69–14264; Filed, Dec. 1, 1969; 8:49 a.m.]

[945.328 Amdt. 1]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Notice of rule making with respect to a proposed amendment of the limitation of shipments regulation (34 F.R. 11260), as hereinafter set forth, which was unanimously 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) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER November 20, 1969 (34 F.R. 18471). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than November 23, 1969. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Potato Committee, it is hereby found and determined that this amendment of the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The Committee reports that with the abundance of potatoes in general and particularly with production in the nine Western States estimated to be 11 percent above 1968, there are little returns to producers from U.S. No. 2, 2-inch or 4-ounce potatoes. The amendment provided herein is necessary to improve the returns to producers pursuant to the declared policy of the Act.

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 shipments of potatoes grown in the production area are currently being marketed and the regulation should become effective at the time herein provided to maximize the benefits to producers; and good cause exists for making the provisions hereof effective not later than the day following publication in the FEDERAL REGISTER. Idaho-Eastern Oregon Potato Committee held an open meeting November 13, 1969, to consider recommendations for an amendment of the limitation of shipments regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the recommendation by the committee has been disseminated among the growers and handlers of potatoes in the production area; compliance with this section will not require any special preparation of potato sorting and packing equipment on the part of handlers subject thereto which cannot be completed on or before the effective time hereof.

Subdivision (ii) of paragraph (a)(2) of § 945.328 (34 F.R. 11260) is revised to read as follows:

§ 945.328 Limitation of shipments.

* * * * *

(a) * * *

(2) *Size.* (i) * * *

(ii) All other varieties—2 inches minimum diameter or 4 ounces minimum weight: *Provided*, That any such potatoes that grade U.S. No. 2 must be 6 ounces minimum weight.

* * * * *

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

Dated November 26, 1969, to become effective the day following publication in the FEDERAL REGISTER.

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

[F.R. Doc. 69–14295; Filed, Dec. 1, 1969; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1602]

PART 13—PROHIBITED TRADE PRACTICES

Frances Novelty Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act: 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 70, 69f) [Cease and desist order, Frances Novelty Co., Inc., et al., New York, N.Y., Docket C–1602, October 30, 1969]

In the Matter of Frances Novelty Co., Inc., a Corporation, Also Trading as Domino Knitwear, and Albert Bergman and Herbert Blasenstein, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of fur-trimmed ribbon knit jackets to cease misbranding, falsely invoicing, and deceptively advertising its fur products, and misbranding and failing to maintain required records on its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Frances Novelty Co., Inc., a corporation, also trading as Domino Knitwear or under any other name or names, and its officers, and Albert Bergman and Herbert Blasenstein, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or the manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

It is further ordered, That respondents Frances Novelty Co., Inc., a corporation, also trading as Domino Knitwear, and its officers, and Albert Bergman and Herbert Blasenstein, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of the textile fiber products manufactured by said respondents, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14228; Filed, Dec. 1, 1969; 8:47 a.m.]

[Docket No. C-1601]

PART 13—PROHIBITED TRADE PRACTICES

Lano Knitting Mills, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Lano Knitting Mills, Inc., et al., Millbury, Mass., Docket C-1601, October 30, 1969]

In the Matter of Lano Knitting Mills, Inc., a Corporation, and Julius Friedman and Paul Friedman, Individually and as Officers of Said Corporation

Consent order requiring a Millbury, Mass., manufacturer and distributor of woolen fabrics to cease misbranding and falsely invoicing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Lano Knitting Mills, Inc., a corporation, and its officers, and Julius Friedman and Paul Friedman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Lano Knitting Mills, Inc., a corporation, and its officers, and Julius Friedman and Paul Friedman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of textile products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do

forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14229; Filed, Dec. 1, 1969; 8:47 a.m.]

[Docket No. C-1599]

PART 13—PROHIBITED TRADE PRACTICES

Marvel Quilting Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Marvel Quilting Co., Inc., et al., Brooklyn, N.Y., Docket C-1599, Oct. 30, 1969]

In the Matter of Marvel Quilting Company, Inc., a Corporation, and Jack Goldfarb and Martin Oltsik, Individually and as Officers of Said Corporation, and as Co-partners Trading as Marvel Quilting Co.

Consent order requiring a Brooklyn, N.Y., manufacturer of quilting and other textile articles to cease misbranding, falsely invoicing and advertising its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Marvel Quilting Co., Inc., a corporation, and its officers, and Jack Goldfarb and Martin Oltsik, individually and as officers of said corporation, and as co-partners, trading as Marvel Quilting Co., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying any textile fiber product as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14230; Filed, Dec. 1, 1969; 8:47 a.m.]

[Docket No. C-1608]

PART 13—PROHIBITED TRADE PRACTICES

E. J. Pager, Inc., and Edward J. Pager

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, E. J. Pager, Inc., et al., New York, N.Y., Docket C-1608, Oct. 30, 1969]

In the Matter of E. J. Pager, Inc., a Corporation, and Edward J. Pager, Individually and as an Officer of Said Corporation

Consent order requiring a New York City wholesale furrier corporation to cease falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents E. J. Pager, Inc., a corporation, and its officers, and Edward J. Pager, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur, as the terms "commerce" and "fur" are defined in the Fur Products Labeling Act do forthwith cease and desist from falsely or deceptively invoicing furs by:

1. Failing to furnish an invoice as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by section 5(b)(1) of the Fur Products Labeling Act.

2. Misrepresenting in any manner on an invoice, directly or by implication, the country of origin of any imported fur.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14231; Filed, Dec. 1, 1969; 8:47 a.m.]

[Docket No. C-1606]

PART 13—PROHIBITED TRADE PRACTICES

"Steffi" Fashions, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45,

68) [Cease and desist order, "Steffi" Fashions, Inc., et al., New York, N.Y., Docket C-1606, Oct. 30, 1969]

In the Matter of "Steffi" Fashions, Inc., a Corporation, and David G. Paris, and Ben Chalk, Individually and as Officers of Said Corporation.

Consent order requiring a New York City manufacturer of children's wool garments to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents "Steffi" Fashions, Inc., a corporation, and its officers, and David G. Paris and Ben Chalk, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth respective percentages of fibers contained in the face and back of pile fabrics in such a manner as to give the ratio between the face and back of each such fabric where an election is made to separately set out the fiber content of the face and back of wool products containing pile fabrics.

4. Failing to affix labels or other markings to samples, swatches and specimens of wool products used to promote or effect sales of such wool products in commerce, showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14232; Filed, Dec. 1, 1969; 8:47 a.m.]

[Docket No. C-1607]

PART 13—PROHIBITED TRADE PRACTICES

Fred Taub

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Fred Taub, New York City, N.Y., Docket C-1607, Oct. 30, 1969]

Consent order requiring a New York City wholesaler of furs to cease falsely invoicing his fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Fred Taub, an individual trading under his own name or any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur, as the terms "commerce" and "fur" are defined in the Fur Products Labeling Act do forthwith cease and desist from falsely or deceptively invoicing furs by:

1. Failing to furnish an invoice as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by section 5(b)(1) of the Fur Products Labeling Act.

2. Misrepresenting in any manner on an invoice directly or by implication, the country of origin of any imported fur.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14233; Filed, Dec. 1, 1969; 8:47 a.m.]

[Docket No. C-1603]

PART 13—PROHIBITED TRADE PRACTICES

Westcraft Carpets, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Westcraft Carpets, Inc., et al., Denver, Colo., Docket C-1603, Oct. 30, 1969]

In the Matter of Westcraft Carpets, Inc., a Corporation and Arnold Vagts and Dorothy Vagts, Individually and as Officers of Said Corporation.

Consent order requiring a Denver, Colo., dealer in carpeting to cease misbranding and falsely advertising its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Westcraft Carpets, Inc., a corporation, and its officers, and Arnold Vagts and Dorothy Vagts, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale in commerce, or the importation into the United States of any textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under sections 4(b)(1)

and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in disclosing the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

3. Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 30, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14234; Filed, Dec. 1, 1969; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Offer of Incentive Bonus to Customers

§ 15.390 Offer of incentive bonus to customers.

(a) The Commission advised that to offer an incentive bonus to open credit account customers to encourage the payment of invoices within established terms and conditions of sale would not be objectionable.

(b) Most sales are made to open credit account purchasers of plumbing supplies and it was proposed to offer all such customers, as well as all new accounts, a bonus of 1 percent based on the aggregate total of monthly purchases to be given in the form of a credit certificate. This certificate will be honored by a selected local travel agency to apply toward vacation travel, and to be issued to those who adhere to established credit terms. Customers will present their certificates to the travel agency as partial or complete payment of their vacation expenses within 18 months from date of issuance.

(c) The Commission expressed the view that the proposed program, as stated, should be considered as a proposal to increase established credit terms and conditions of sale by 1 percent and as such the program probably would not be unlawful except to the extent, if any, the additional discount may effect unlawful price discriminations within the meaning of section 2(a), amended Clayton Act. However, because the program will be offered and made available to all open credit account customers and because the single qualifying requirement is adherence to established credit terms and conditions of sale it is not likely that implementation of proposed program would result in any adverse competitive effects.

(d) The Commission advised it would initiate no proceedings so long as the proposed program is implemented in the manner and for the purpose intended.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: December 1, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14225; Filed, Dec. 1, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Labeling of Products Composed of Ground Leather and Fabric

§ 15.391 Labeling of products composed of ground leather and fabric.

(a) The Commission is of the opinion that a product which consists of reconstituted leather applied to a fabric base may not be described as "leather" without proper qualification and may not be described as "genuine milled leather."

(b) This product may not be described as "leather" unless the word is accompanied by a clear statement as to the product's true composition. The term "leather" used alone means top grain leather and the product referred to, composed of ground leather on a fabric backing, does not come within such a definition. The use of the unqualified term "leather" to describe such product would tend to deceive prospective customers and possibly violate section 5 of the Federal Trade Commission Act.

(c) The product may not be described as "genuine milled leather" with or without qualification. It is not clear what is intended by the word "milled" but the phrase as a whole suggests top grain leather in a manner which would make any attempted qualification a contradiction in terms. Use of this phrase would tend to mislead and deceive prospective customers as to the true composition of the product and might violate the Federal Trade Commission Act.

(d) The close resemblance of the product to leather may tend to mislead prospective purchasers into the belief that the product is top grain leather. Accordingly, the product should be labeled to indicate its true composition or, optionally, that it is imitation or simulated leather or nonleather.

(e) Finally, the backing of the product appears to be a textile fiber product subject to the Textile Fiber Products Identification Act, and, accordingly, certain information must be disclosed as to the composition of such fabric.

(f) The product may be described appropriately in a number of ways, among which are the following:

Ground leather laminated to fabric (60 percent polyester, 40 percent rayon).
Shredded leather laminated to fabric (60 percent polyester, 40 percent rayon).
Pulverized leather laminated to fabric (60 percent polyester, 40 percent rayon).
Imitation leather laminated to fabric (60 percent polyester, 40 percent rayon).
Simulated leather laminated to fabric (60 percent polyester, 40 percent rayon).
Nonleather. Fabric backing 60 percent polyester, 40 percent rayon.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: December 1, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14226; Filed, Dec. 1, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Partly Foreign-Made Foundation Garments

§ 15.392 Disclosure of origin of partly foreign-made foundation garments.

(a) The Commission expressed an opinion that it would not be necessary to disclose the name of the foreign country where certain finishing operations are performed on ladies' foundation garments.

(b) The fabric, which is of domestic origin, will be cut to shape in the United States and shipped to Mexico where it will be sewn and finished. The foreign labor costs of producing the finished garment will represent approximately 20 percent of total production costs.

(c) The Commission is of the opinion that it will not be necessary to disclose in the labeling the nature and extent of the foreign operations performed on the foundation garments, either under section 5 of the Federal Trade Commission Act or section 4(b)(4) of the Textile Fiber Products Identification Act. The Commission noted, however, that inquiry should be made of the Bureau of Customs as to any marking requirements under section 304 of the Tariff Act of 1930.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: December 1, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-14227; Filed, Dec. 1, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-CE-117]

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 the Wichita, Kans. (McConnell AFB), control zone.

The McConnell AFB, Kans., VOR is being decommissioned and all procedures predicated on this VOR facility are being canceled. Consequently, that portion of the Wichita, Kans. (McConnell AFB), control zone which is designated with reference to this VOR is no longer required. Therefore, it is necessary to alter the Wichita, Kans. (McConnell AFB), control zone to delete this airspace from the designation. Action is taken herein to effect this change.

Since this alteration will reduce the existing designated airspace in the Wichita, Kans., terminal area, it will not impose any additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 1, 1969, as hereinafter set forth:

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

WICHITA, KANS. (MCCONNELL AFB)

Within a 5-mile radius of McConnell AFB (lat. 37°37'25" N., long. 97°16'00" W.); within 2 miles west and 4 miles east of the McConnell AFB TACAN 008° radial, extending from the 5-mile radius zone to 7 miles north of the TACAN; and within 2 miles each side of the McConnell AFB TACAN 199° radial, extending from the 5-mile radius zone to 6 miles south of the TACAN, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (Wichita Municipal), control zone.

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

Issued in Kansas City, Mo., on November 12, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69-14204; Filed, Dec. 1, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-86]

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

Designation of Transition Area

On pages 14437 and 14438 of the FEDERAL REGISTER dated September 16, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at West Yellowstone, Mont.

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

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

This amendment shall be effective 0901 G.m.t., February 5, 1970.

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

Issued in Kansas City, Mo., on November 12, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

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

WEST YELLOWSTONE, MONT.

That airspace extended upward from 700 feet above the surface within 6½ miles west and 9½ miles east of the 019° and 199° bearings from West Yellowstone Airport (latitude 44°41'20" N., longitude 111°06'55" W.), extending from 12 miles north to 19½ miles south of the airport; that airspace extending upward from 10,700 feet MSL within a 30-mile radius of West Yellowstone Airport, extending from the 087° bearing from West Yellowstone Airport clockwise to the 217° bearing from West Yellowstone Airport; and that airspace extending upward from 12,000 feet MSL within a 30-mile radius of West Yellowstone Airport, extending from the 217° bearing from West Yellowstone Airport clockwise to the 087° bearing from West Yellowstone Airport, excluding the portion which overlies V-343. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 69-14205; Filed, Dec. 1, 1969; 8:46 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 D—Food Additives Permitted in Food for Human Consumption

DIMETHYLPOLYSILOXANE

On the basis of a comment received, and other relevant information, the Commissioner of Food and Drugs concludes that the food additive regulation providing for the safe use of dimethylpolysiloxane as a defoaming agent in food should be amended to clarify the 10 part-per-million limitation in food by relating it to food as consumed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785 et seq.; 21 U.S.C. 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1099 (a)(2) is amended by revising the item "Dimethylpolysiloxane * * *" to read as follows:

§ 121.1099 Defoaming agents.

* * * * *

(a) * * *

(2) * * *

Substances	Limitations
Dimethylpolysiloxane (substantially free from hydrolyzable chloride and alkoxy groups; no more than 18 percent loss in weight after heating 4 hours at 200° C.; viscosity 300-600 centistokes at 25° C.; refractive index 1.400-1.404 at 25° C.).	10 parts per million in food, or at such level in a concentrated food that when prepared as directed on the label the food in its ready-for-consumption state will have not more than 10 parts per million except as follows: Zero in milk; 110 parts per million in dry gelatin dessert mixes labeled for use whereby no more than 16 parts per million is present in the ready-to-serve dessert; 250 parts per million in salt labeled for cooking purposes, whereby no more than 10 parts per million is present in the cooked food.
* * *	* * *

* * * * *

Notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation since the amendment merely clarifies an existing regulation and is nonrestrictive and noncontroversial in nature.

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

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785 et seq.; 21 U.S.C. 348, 371(a))

Dated November 24, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-14197; Filed, Dec. 1, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

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

4,4'-METHYLENEBIS(2-CHLOROANILINE)

Sections 121.2520 and 121.2522 of the food additive regulations provide for the use of 4,4'-methylenebis(2-chloroaniline) as a component of certain food-contact articles under prescribed conditions of safe usage that preclude any significant migration of the substance to food.

The Commissioner of Food and Drugs has evaluated newly received information demonstrating that the substance induces cancer when ingested by test animals and concludes that the food additive regulations should be amended to delete provision for use of said substance as a component of food-contact articles.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409(c)(3)(A), 701(a), 52 Stat. 1055, 72 Stat. 1786, as amended 76 Stat. 785; 21 U.S.C. 348(c)(3)(A), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by deleting the item "4,4'-Methylenebis(2-chloroaniline)" from the list of substances in paragraph (c)(5) of § 121.2520 *Adhesives* and from the list of substances in paragraph (b) of § 121.2522 *Polyurethane resins*.

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.

(Secs. 409(c)(3)(A), 701(a), 52 Stat. 1055, 72 Stat. 1786, as amended 76 Stat. 785; 21 U.S.C. 348(c)(3)(A), 371(a))

Dated: November 24, 1969.

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

[F.R. Doc. 69-14198; Filed, Dec. 1, 1969; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In § 200.72 paragraph (h) is amended to read as follows:

§ 200.72 Director of the Management and Operations Assistance Division and Deputy.

* * * * *

(h) To execute or cause to be executed under his direction all contracts for goods and services for the repair, construction, improvement, removal, demolition or alteration, maintenance, and operation of properties acquired in connection with the settlement of insurance claims, including properties held by FHA as mortgagee in possession, and broker management services in connection with such properties, and the publication of notices and advertisements in newspapers, magazines, and periodicals, and to settle any claims arising out of such contracts.

* * * * *

In § 200.83 paragraph (g) is amended to read as follows:

§ 200.83 Assistant Commissioner for Property Disposition and Deputy.

* * * * *

(g) To act for the Commissioner in approving the compromise and settlement of claims by or against tenants or former tenants of FHA acquired properties including properties held by FHA as mortagee in possession and to execute releases or other instruments required in connection with such compromise or settlement.

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

Issued at Washington, D.C., November 25, 1969.

[SEAL] EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[F.R. Doc. 69-14215; Filed, Dec. 1, 1968; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 50—NEIGHBORHOOD YOUTH CORPS PROJECTS

Project Standards for New Out-of-School Agreements

Pursuant to authority contained in section 602 of the Economic Opportunity Act of 1964, as amended (78 Stat. 528, 79 Stat. 973, 80 Stat. 1451, 81 Stat. 672, 42 U.S.C. 2701 et seq.), the delegation of authorities to the Secretary of Labor by the Director of the Office of Economic Opportunity, 33 F.R. 15139 and Secretary's Order No. 14-69 (34 F.R. 6502), Part 50 of Subtitle A of Title 29 of the Code of Federal Regulations is hereby amended to read as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) requiring notice and public procedure are not applicable since these regulations involve only matters that relate to public benefits. Further, I do not believe that such procedure would in any event serve a useful purpose here. The amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

1. In § 50.20, paragraph (b) is amended to read as follows:

§ 50.20 Types of projects.

* * * * *

(b) An out-of-school project, designated as either an NYC-1 or NYC-2 project, providing work-training experience, combined where needed with educational and training assistance, including basic literacy, counseling, and occupational training designed to assist the youths to develop their maximum occupational potential.

2. In § 50.22, paragraph (g) is amended and new paragraphs (h) and (i) are added to read as follows:

§ 50.22 Standards for projects.

* * * * *

(g) An in-school project and an out-of-school project designated as an NYC-1 project provides for work for which enrollees shall receive wages and, as appropriate, training, education, counseling, and other related supportive services in accordance with this subpart, for which the enrollee may receive wages.

(h) An out-of-school project designated as an NYC-2 project meets the following additional criteria:

(1) The size of the project is consonant with the number of post-NYC opportunities for jobs and further training that are available in the community.

(2) New enrollments are limited to youths age 16 to 17, who have left full-time attendance in high school prior to graduation, and who are defined as disadvantaged. Persons may be enrolled who are employed at the time of enrollment, and may remain employed during enrollment, if they are employed part-time or at a skill level substantially less than they are capable of after training in NYC. No person shall remain enrolled past his 19th birthday or the second anniversary of his enrollment in NYC-2.

(3) For each enrollee there shall be a written training plan and schedule for at least 1 year's training activities. Such a plan shall be constructed as a joint effort of the enrollee and his counselor.

(4) The project offers enrollees a range of services including, but not limited to, orientation and assessment, health services, remedial education, skill training, work experience, counseling, assistance in transportation and day care, and a comprehensive program otherwise to prepare the trainee for possible return to school, placement in a job, or entry into post-secondary training or education. Job development, placement, and follow-through also shall be provided.

(5) No enrollee shall be in the work experience component for more than one-third of his total time in the project.

(6) The sponsor shall make annual plans showing expected units of service for trainees and the placement results sought. The Department of Labor shall monitor his performance against these plans.

(i) An out-of-school project designated as an NYC-2 project provides for work for which enrollees shall receive wages and for the payment of incentives

and performance bonuses under standards established by the Secretary during periods when enrollees are not engaged in work experience.

(42 U.S.C. 2942)

Signed at Washington, D.C., this 8th day of November 1969.

ARNOLD R. WEBER,
Assistant Secretary for Manpower.

[F.R. Doc. 69-14303; Filed, Nov. 28, 1969; 1:05 p.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Subpart 1-1.7—Small Business Concerns

MISCELLANEOUS AMENDMENTS

This amendment revises policies and procedures pertaining to small business preferences in procurement by (a) providing that upon the automatic dissolution of a small business set-aside, the contracting officer shall give due regard to the capabilities of small business bidders or offerors in the reissuance of a bid invitation or solicitation of proposals for the formerly set-aside portion of the procurement based on a realistic review of the required delivery schedule involved in the procurement; (b) limiting the use of the exception to Small Business Administration referral procedures in an instance where a contract award must be made due to considerations of urgency before a Certificate of Competency can be issued by SBA attesting to the capacity and credit of the small business concern which is otherwise acceptable for award; and (c) establishing procedures for approval by authority higher than the contracting officer in the procuring agency or for review by SBA with respect to certain matters involving determinations as to the nonresponsibility of a small business concern.

1. Section 1-1.706-7 is revised as follows:

§ 1-1.706-7 Automatic dissolution of set-asides.

If the entire set-aside portion is not procured by the method set forth in § 1-1.706-5, as to total set-asides, or § 1-1.706-6, as to partial set-asides, the determination referred to in § 1-1.706-1 is automatically dissolved as to the unawarded portion of the set-aside, and such unawarded portion may be procured by advertising or negotiation, as appropriate, in accordance with applicable regulations. However, prior to issuing an invitation to bid or a request for proposals following the dissolution of a small business set-aside, the contracting officer shall review the required delivery schedule for the supplies or services to be resolicited to insure that the delivery schedule is realistic in the light of all relevant factors, including the capabilities of small business concerns.

2. Section 1-1.708-2(a) is amended as follows:

§ 1-1.708-2 Applicability and procedure.

(a) * * *

(1) This procedure is not mandatory if the contracting officer certifies in writing, and such certificate is approved by higher authority within his agency, that the award must be made without delay, includes such certificate and supporting documentation in the contract file, and promptly furnishes a copy to SBA. Referral of a case to SBA or execution of a certificate of urgency shall not be deferred pending investigation and determination of the responsibility of other offerors.

* * * * *

(5) A determination by a contracting officer that a small business concern is not responsible for reasons other than deficiencies in capacity or credit (e.g., lack of integrity, business ethics, or persistent failure to apply necessary tenacity or perseverence to do an acceptable job) must be supported by substantial evidence documented in the contract file and must be approved in each instance by higher authority within the agency.

(6) Whenever the contracting officer has any doubt as to whether the unsatisfactory record of performance can reasonably be attributed solely to lack of capacity or credit, he shall first discuss the matter with the nearest appropriate SBA representative. If the SBA representative is of the opinion that the unsatisfactory record of performance is attributable solely to lack of capacity or credit and the contracting officer disagrees, the contracting officer shall then forward the matter to higher authority within his agency for resolution, with a clear indication of his views and the contrary SBA position. The decision of such higher authority shall be final.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective January 15, 1970, but may be observed earlier.

Dated: November 24, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-14195; Filed, Dec. 1, 1969; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101-39—INTERAGENCY MOTOR VEHICLE POOLS

Modifications to Motor Pool Vehicles

This amendment prescribes requirements governing the modification of an interagency motor pool vehicle or the installation of accessory equipment on such vehicle.

The table of contents for Subpart 101-39.7 is amended to provide a new entry for § 101-39.706, as follows:

Sec.
101-39.706 Modification or installation of accessory equipment.

Subpart 101-39.7—Care of Vehicles

Subpart 101-39.7 is amended by the addition of § 101-39.706, as follows:

§ 101-39.706 Modification or installation of accessory equipment.

The modification of an interagency motor pool vehicle or the installation of accessory equipment on such vehicle can be accomplished only when approved by the General Services Administration. The request for such modifications and installations shall be forwarded to the appropriate regional Chief, Motor Equipment Division, Transportation and Communications Service, for consideration.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: November 24, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-14194; Filed, Dec. 1, 1969; 8:45 a.m.]

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

Use of Excess Property on Contracts and Grants

This amendment provides guidelines for the use and eventual disposition of excess personal property by contractors and grantees.

The table of contents for Part 101-43 is amended to provide a new entry as follows:

Sec.
101-43.320 Use of excess property on contracts and grants.

Subpart 101-43.3 Utilization of Excess

Subpart 101-43.3 is amended by adding a new § 101-43.320 as follows:

§ 101-43.320 Use of excess property on contracts and grants.

(a) Executive agencies are responsible under § 101-43.302 for fulfilling requirements for property, including requirements of cost-reimbursement type contractors, by transferring to and obtaining from other Federal agencies excess personal property. The use of excess personal property shall be considered by Federal agencies in their cost-reimbursement type contracts and grants which are made pursuant to programs established by law and for which funds are appropriated by the Congress.

(b) It is the responsibility of all agencies to achieve their program objectives at the least possible cost. Excess personal property can be used to reduce costs and shall be considered for such use wherever possible. Excess personal property can also be used to expand the ability of a contractor or grantee to fulfill his mission, and shall be considered

for this use wherever possible. Excess personal property may be furnished to a contractor or grantee with the approval of an authorized Federal official provided a determination is made by the contracting or sponsoring Federal agency that the acquisition will result in a reduction in the cost to the Government of the contract or grant or an enhancement in the product or the benefit from the contract or grant. Transfer orders for excess personal property must be executed by a duly authorized official of the contracting or grantor agency.

(c) Excess personal property is transferred from one Federal agency to another Federal agency as provided in § 101–43.315–5. The receiving Federal agency may furnish the property to its contractor or grantee as Government-furnished property, but title normally remains vested in the Government. Federal agencies, when drawing up contract or grant documents, shall insure that appropriate provisions are included therein to accommodate the furnishing of excess personal property to contractors or grantees. The system of accountability for such property will be in accordance with contractual and agency procedures, and records will be subject to audit by an internal audit group of the contracting Federal agency. In addition, the records shall be made available upon request to the General Accounting Office. The contract or grant shall include adequate safeguards and assurances relative to use, maintenance, consumption, unauthorized use, and redelivery to Government custody of Government-furnished property.

(d) Upon termination of the contract or grant in whole or in part, Government-furnished property no longer needed shall be reassigned, as far as practicable, to other contractors or grantees, or to other activities of the contracting Federal agency, except consumable property which has been expended. If no reassignment is made, and if the property is not disposed of pursuant to applicable regulations or contract provisions relating to contractor inventory, it shall be reported to GSA by the contracting Federal agency for possible further Government use, as provided in § 101–43.311, unless other reporting requirements have been agreed upon by GSA and the reporting agency. Property not required to be reported shall be handled as provided in §§ 101–43.306 and 101–43.318–2. Property normally shall be held by the contractor or grantee until transfer, donation, or disposal instructions are received. Contracting or grantor agencies shall have published procedures which clearly delineate the obligations of contractors and grantees with respect to the use and consumption or return to Government custody of property acquired from excess sources.

(e) Generally, title to excess property furnished by a Federal agency to a contractor or grantee remains vested in the Government. A few Federal agencies, however, have specific statutory authority to vest title in contractors or grantees under certain circumstances. When competing Federal claims are made for particular items of excess personal property, GSA will give preference to the Federal agency whose contractor or grantee is operating under agreements which do not permit ultimate vesting of title.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: November 24, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–14196; Filed, Dec. 1, 1969; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

SUBCHAPTER O—CERTAIN BULK DANGEROUS CARGOES

[CGFR 69–123]

PART 6—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

Miscellaneous Amendments

On March 24, 1969, the Merchant Marine Council held a public hearing on a number of proposed items of rule making that were published in the FEDERAL REGISTER of February 7, 1969 (34 F.R. 1831), and in the Merchant Marine Council Public Hearing Agenda dated March 24, 1969 (CG–249). Item PH 1–69 proposed to change the heading of Subchapter O from "Regulations Applicable to Certain Vessels During Emergency" to "Certain Bulk Dangerous Cargoes" in order to develop regulations for water transportation of all bulk dangerous cargoes having hazards other than, or in addition to, the conventional flammability and combustibility of petroleum products. Item PH 1–69 stated that the existing regulations in Subchapter O would be transferred to Part 6 of Subchapter A of Title 46, Code of Federal Regulations. This document accomplishes this transfer. The publication of regulations in Subchapter O relating to bulk dangerous cargoes will be accomplished by subsequent documents.

Section 154.20 which is being redesignated § 6.20 by this document grants a waiver of the provisions of section 672 of Title 46, United States Code. Paragraph (b) permits the issuance of a Merchant Mariner's Document with a rating of "Able Seaman—Any Waters—12 months" to any person who (1) has successfully completed a Coast Guard approved course in a training school conducted by a recognized maritime union or nonprofit organization, (2) has satisfactory evidence of service in the deck department of a merchant vessel for at least 6 months, and (3) has passed the required professional and physical examinations described in Part 12, 46 CFR. Paragraph (c) permits the issuance of a Merchant Mariner's Document with a rating, "Qualified Member of the Engine Department" (QMED) to any person who (1) has successfully completed a Coast Guard approved course in a training school conducted by a recognized maritime union or nonprofit organization, (2) has satisfactory evidence of service in the engine department of merchant vessels for at least 3 months, and (3) has passed the required professional and physical examinations described in Part 12. Paragraph (g) provides that these waivers shall remain in effect until December 31, 1969.

These waiver orders which became effective on September 7, 1967, were predicated on a shortage of qualified persons in both the deck and engine departments to man the merchant vessels of the United States. In view of their imminent expiration the Coast Guard addressed inquiries to the marine industry as to the need for the continuation of these waiver orders beyond December 31, 1969. All segments of the industry, management, unions, and Government agencies, agree that the shortage of seamen still exists and that the waiver orders should be continued beyond December 31, 1969. In addition, the Merchant Marine Council Committee has recommended the extension of these waivers until December 31, 1971. Based on these views and recommendations the Commandant hereby approves the extension of these waivers until December 31, 1971. In the light of these circumstances, it is hereby found that compliance with the provisions of the Administrative Procedure Act relating to notice of proposed rule making, public procedures thereon and effective date requirement is impracticable and unnecessary.

1. Part 154 of Subchapter O, Chapter I of Title 46 of the Code of Federal Regulations is redesignated as Part 6 of Subchapter A, Chapter I of Title 46.

2. As redesignated, the authority note for Part 6 following the table of contents is revised to read as follows:

AUTHORITY: The provisions of this Part 6 issued under sec. 1, 64 Stat. 1120, sec. 6 (b) (1), 80 Stat. 937; 46 U.S.C. Note prec. 1, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2).

3. As redesignated § 6.20(g) is revised to read as follows:

§ 6.20 Service requirements for certification as able seaman or qualified member of the engine department.

* * * * *

(g) This waiver order shall remain in effect until December 31, 1971, unless sooner terminated by notice of cancellation published in the FEDERAL REGISTER.

4. The heading for Subchapter O, Chapter I of Title 46, Code of Federal Regulations is changed as set forth above.

(R.S. 4405, as amended, 4462, as amended, sec. 1, 64 Stat. 1120, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 46 U.S.C. Note prec. 1, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2))

Effective date. These amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

Dated: November 26, 1969.

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

[F.R. Doc. 69-14237; Filed, Dec. 1, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1028, Amdt. 1]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Company Authorized To Operate Over Tracks of Fort Worth and Denver Railway Company

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of November 1969.

Upon further consideration of Service Order No. 1028 (34 F.R. 9033), and good cause appearing therefor:

It is ordered, That § 1033.1028 *Service Order No. 1028* (The Atchison, Topeka and Santa Fe Railway Co., authorized to operate over tracks of Fort Worth and Denver Railway Co.), be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p.m., May 31, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 30, 1969.

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

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

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14244; Filed, Dec. 1, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 12—AREAS CLOSED TO HUNTING

Lacassine National Wildlife Refuge, La.; Designation of Certain Lands and Waters as Closed Area

On page 16626 of the FEDERAL REGISTER of October 17, 1969, there was published notice of a proposal to designate an area closed to hunting of migratory birds at Lacassine National Wildlife Refuge. Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed designation. After due consideration of all suggestions, comments, and objections received, the proposal is hereby adopted without change, as follows:

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which hunting, pursuing, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, that land and water area in Cameron Parish, La., within the Lacassine National Wildlife Refuge more particularly described as follows:

All of the land and water areas in section 16, T. 12 S., R. 5 W., and containing in all, approximately 652.51 acres.

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, as amended; 16 U.S.C. 704), and by virtue of the Reorganization Plan II (53 Stat. 1431) and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003).

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

This area should appear in the list of closed areas in § 12.1.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

NOVEMBER 26, 1969.

[F.R. Doc. 69-14297; Filed, Dec. 1, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 905]

HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Approval of Expenses and Rate of Assessment for 1969–70 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under 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:

(a) That expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1969, through July 31, 1970, will amount to $168,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at $0.006 per standard packed box.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1969, be carried over as a reserve in accordance with § 905.42 of said marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended 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 112, Administration Building, 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: November 26, 1969.

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

[F.R. Doc. 69-14265; Filed, Dec. 1, 1969; 8:49 a.m.]

[7 CFR Parts 1001–1007, 1011–1013, 1015, 1016, 1030, 1032–1036, 1040, 1041, 1043, 1044, 1046, 1049, 1050, 1060–1065, 1068–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1121, 1124–1134, 1136–1138]

[Docket No. AO 10-A41 etc.]

MILK IN THE ST. LOUIS-OZARKS AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO-14-A47-RO1.
1002	New York-New Jersey	AO-71-A59.
1003	Washington, D.C.	AO-293-A23-RO2.
1004	Delaware Valley	AO-160-A43-RO2.
1005	Tri-State	AO-177-A35-RO1.
1006	Upper Florida	AO-356-A5.
1007	Georgia	AO-366-A3.
1011	Appalachian	AO-251-A12.
1012	Tampa Bay	AO-347-A9.
1013	Southeastern Florida	AO-286-A17.
1015	Connecticut	AO-305-A25.
1016	Upper Chesapeake Bay	AO-312-A20-RO2.
1030	Chicago Regional	AO-361-A2-RO1.
1032	Southern Illinois	AO-313-A18.
1033	Greater Cincinnati	AO-166-A40-RO1.
1034	Miami Valley	AO-175-A29-RO1.
1035	Columbus	AO-176-A26-RO1.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A32-RO1.
1040	Southern Michigan	AO-225-A22.
1041	Northwestern Ohio	AO-72-A36-RO1.
1043	Upstate Michigan	AO-247-A15.
1044	Michigan Upper Peninsula.	AO-299-A17.
1046	Louisville-Lexington-Evansville.	AO-123-A36.
1049	Indiana	AO-319-A15.
1050	Central Illinois	AO-355-A7.
1060	Minnesota-North Dakota.	AO-360-A4.
1061	Southeastern Minnesota-Northern Iowa.	AO-367-A1.
1062	St. Louis-Ozarks	AO-10-A41.
1063	Quad Cities-Dubuque	AO-105-A31.
1064	Greater Kansas City	AO-23-A38.
1065	Nebraska-Western Iowa	AO-86-A23.
1068	Minneapolis-St. Paul	AO-178-A25.
1069	Duluth-Superior	AO-153-A17.
1070	Cedar Rapids-Iowa City.	AO-229-A22.
1071	Neosho Valley	AO-227-A24.
1073	Wichita	AO-173-A24.
1075	Black Hills	AO-248-A12.
1076	Eastern South Dakota	AO-260-A15.
1078	North Central Iowa	AO-272-A17.
1079	Des Moines	AO-295-A20.
1090	Chattanooga	AO-266-A13.
1094	New Orleans	AO-103-A29.
1096	Northern Louisiana	AO-257-A18.
1097	Memphis	AO-219-A23.
1098	Nashville	AO-184-A28.
1099	Paducah	AO-183-A23.
1101	Knoxville	AO-195-A19.
1102	Fort Smith	AO-237-A18.
1103	Mississippi	AO-346-A11.
1104	Red River Valley	AO-298-A16.
1106	Oklahoma Metropolitan	AO-210-A28.
1108	Central Arkansas	AO-243-A20.
1120	Lubbock-Plainview	AO-328-A10.
1121	South Texas	AO-364-A1.
1124	Oregon-Washington	AO-368-A1.
1125	Puget Sound	AO-226-A21.
1126	North Texas	AO-231-A33.
1127	San Antonio	AO-232-A20.
1128	Central West Texas	AO-238-A23.
1129	Austin-Waco	AO-256-A16.
1130	Corpus Christi	AO-259-A20.
1131	Central Arizona	AO-271-A13.
1132	Texas Panhandle	AO-262-A20.
1133	Inland Empire	AO-275-A21.
1134	Western Colorado	AO-301-A11.
1136	Great Basin	AO-309-A15-RO1.
1137	Eastern Colorado	AO-326-A15.
1138	Rio Grande Valley	AO-335-A15.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Colony Inn, 7730 Bon Homme Avenue, Clayton, Mo. (St. Louis), beginning at 10 a.m., local time, on January 20, 1970, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

This hearing represents a reopening for the limited purposes stated herein of the public hearings previously held with respect to the orders regulating the handling of milk in the following marketing areas: Massachusetts-Rhode Island-New Hampshire (Docket No. AO 14–A47); Washington, D.C., Delaware Valley, and upper Chesapeake Bay (Dockets Nos. AO 293–A23, AO 160–A43, and AO 312–A20); Chicago Regional (Docket No. AO 361–A2); Greater Cincinnati, Miami Valley, Columbus, Tri-State, and Northwestern Ohio (Dockets Nos. AO 166–A40, AO 175–A29, AO 176–A26, AO 177–A35, and AO 72–A36); Eastern Ohio-Western Pennsylvania (Docket No. AO 179–A32); and Great Basin (Docket No. AO 309–A15).

With respect to those hearings which are being reopened and which involve marketing area expansion, the aforesaid proposals will be considered relative to amending the separate orders or any order or orders resulting from such hearings on marketing area expansion.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by National Milk Producers Federation:

Proposal No. 1. With respect to each order delete the provisions which establish and adjust Class I prices, and substitute therefor the following:

Class I milk price. The Class I price shall be (the present price in the respective order) per hundredweight subject to the following adjustments, to be

announced on the 25th day of the month preceding January 1, April 1, July 1, and October 1 of any year, to be effective for the quarterly period beginning on such dates, but: *Provided*, There shall be no downward adjustments, of a magnitude greater than in the preceding quarter, for quarterly periods beginning July 1 and October 1:

(a) The formula price adjustment shall be that set forth in the following table for the formula index as computed pursuant to paragraphs (b), (c), and (d) unless a different price adjustment is found by the Secretary to be appropriate on the basis of a hearing called pursuant to paragraphs (e) and (f):

Formula index[1]	*Order price adjustment (cents)*
81.5–83.0	−140
84.3–85.9	−120
87.2–88.7	−100
90.0–91.6	− 80
92.9–94.4	− 60
95.7–97.3	− 40
98.6–100.1	− 20
101.4–103.0	*No Change*
104.3–105.8	+ 20
107.1–108.7	+ 40
110.0–111.5	+ 60
112.8–114.4	+ 80
115.7–117.2	+100
118.5–120.1	+120
121.4–122.9	+140

[1] To be extended for higher or lower indexes at the same rate. When the Formula Index lies in an interval between bracket ranges, the change shall be that called for by the bracket range through which the formula index has passed or most recently passed.

(b) The formula index shall be computed by averaging the following indices weighted as follows:

Index	*Weight*
(1) Disposable Personal Income Per Capita, Current Dollars, Seasonally Adjusted	1/12
(2) Consumer Price Index	1/12
(3) Wholesale Price Index	1/12
(4) Prices Paid by Farmers	1/12
(5) Prices Paid by Farmers for Dairy Feed	1/12
(6) Farm Wage Rates	1/12
(7) Prices Received by Farmers for all Products	1/12
(8) Prices Received by Farmers for Beef Cattle	1/12
(9) Percentage Unemployment, Expressed Inversely	1/12
(10) Prices of Butter, Nonfat Dry Milk, and Cheese	3/12

(c) All indices shall be expressed to one decimal point with 1968 as 100.0 and shall be computed from the following sources:

(1) Disposable Personal Income Per Capita, Current Dollars, Seasonally Adjusted—As published in the "Survey of Current Business," U.S. Department of Commerce.

(2) Consumer Price Index—U.S. city average for urban wage earners and clerical workers, all items, as published by the Bureau of Labor Statistics, U.S. Department of Labor.

(3) Wholesale Price Index—for major commodity groups, unadjusted, all commodities, Bureau of Labor Statistics, U.S. Department of Labor.

(4) Prices Paid by Farmers—for commodities and services, interest, taxes, and wage rates, "Agricultural Prices," Statistical Reporting Service, U.S. Department of Agriculture.

(5) Average Prices Paid by Farmers, U.S., for Dairy Feed—16 percent protein, per ton, "Agricultural Prices," Statistical Reporting Service, U.S. Department of Agriculture.

(6) Farm Wage Rate Index—seasonally adjusted, "Farm Labor," Statistical Reporting Service, U.S. Department of Agriculture.

(7) Prices Received by Farmers for all Products—U.S., unadjusted, "Agricultural Prices," Statistical Reporting Service, U.S. Department of Agriculture.

(8) Prices Received by Farmers for Beef Cattle—U.S., unadjusted per hundredweight, "Agricultural Prices," Statistical Reporting Service, U.S. Department of Agriculture.

(9) Unemployment Rate All Civilian Workers, U.S., "Employment and Earnings and Monthly Report on the Labor Force," Bureau of Labor Statistics, U.S. Department of Labor, with index computed from such data, each one-tenth percent equaling two-thirds point, expressed inversely.

(10) Prices of Butter, Nonfat Dry Milk, and Cheese—represent Chicago wholesale price, 92-score butter, weighted by one; weighted average of carload prices per pound nonfat dry milk, spray process for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month, weighted by two; and wholesale prices cheese, American Cheddar, f.o.b. Wisconsin assembly points, weighted by one; all as published by the U.S. Department of Agriculture.

(d) For the purpose of computing the formula index, the most recent data available by the 25th day preceding the first day of each quarterly period shall be used irrespective as to whether such published data represent current monthly data, monthly data for a prior period of time, or data for the most recently available quarter.

(e) A hearing to review the operation of the formula and possibly to change it should be called within five days by the Secretary, unless he issues a finding that a hearing is not necessary, whenever any one of the following conditions occur:

(1) The milk equivalent of butterfat purchases under the price support program during the most recent 12 months exceeds 6 percent of total U.S. milk production; or the most recent index of the balance of total U.S. milk supplies with sales of fluid milk items departs by more than 3 points from base period index of 100 to be established at the hearing, with the supply index to reflex the most recent 12-month moving total of U.S. milk production, as reported by the Crop Reporting Board, U.S. Department of Agriculture, expressed inversely, to be multiplied by a demand index to reflect the most recent 12-month moving total of sales volumes of fluid items in marketing areas of comparable markets as reported in the Fluid Milk and Cream Report, U.S. Department of Agriculture.

(2) The most recent quarterly index of prices of manufactured dairy products used in the formula departs by more than 7 points from the most recent simple average of the quarterly indexes of the other movers in the formula in the same quarter, both with a base period of the most recent quarter for which data are available at the time of the hearing.

(3) The most recent quarterly index of per capita disposable income in the United States, deflated by the implicit price index used to deflate the Gross National Product, departs from the formula index for the most recent quarter by more than five points, both with a base period of the most recent quarter for which data are available at the time of the hearing.

(4) If none of these automatic calls for hearing operate for 18 consecutive months.

(f) Once a hearing has been called, or a determination not to call one has been issued, under any of the above provisions, no further hearing should be called for at least 6 months.

Proposed by Milk Industry Foundation:

Proposal No. 2. If an economic formula including various economic indices such as proposed by the National Milk Producers Federation is to be adopted, it is proposed that it contain provisions which would establish:

A. A method for adjusting the final economic index as supply and demand conditions change in all Federal order markets. The adjustments to be based on total producer receipts and sales of fluid milk products in all Federal orders.

B. A factor which would prevent Class I prices from becoming too low or too high relative to manufacturing milk prices. It is proposed that provisions be included which would prevent Class I prices in Chicago from being less than $1.00 or more than $1.40 higher than the Minnesota - Wisconsin manufacturing prices series. A comparable limit should be applicable to the Class I prices of all other orders.

C. A bracket system which would permit prices to be changed in increments of 15 cents per hundredweight only.

Proposal No. 3. In the event the above provisions are not adopted as part of any economic formula, then no formula should be established and the appropriate Class I prices in all markets should be fixed for the forthcoming year on the basis of a hearing held annually.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreement and the order for each market conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the

respective market administrator of each order, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

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

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69–14266; Filed, Dec. 1, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69–CE–115]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fergus Falls, Minn.

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

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

Since designation of controlled airspace in the Fergus Falls, Minn., terminal area, the instrument approach procedure for Fergus Falls Municipal Airport has been changed. In addition, the criteria for the designation of transition areas have changed. Accordingly, it is necessary to alter the Fergus Falls transition area to adequately protect aircraft executing the altered approach procedure and to comply with the new transition area criteria.

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

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

FERGUS FALLS, MINN.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Fergus Falls Municipal Airport (lat. 46°17'10" N., long. 96°09'35" W.); and within 3 miles each side of the 187° bearing from Fergus Falls Municipal Airport, extending from the 6½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1200 feet above the surface within 4½ miles west and 9½ miles east of the 187° and 007° bearings from Fergus Falls Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 007° bearing from Fergus Falls Municipal Airport, extending from the airport to 12 miles north of the airport.

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

Issued in Kansas City, Mo., on November 12, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69–14206; Filed, Dec. 1, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–CE–110]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Oshkosh, Nebr.

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

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A new public use instrument approach procedure has been developed for the Oshkosh, Nebr., Municipal Airport utilizing a State-owned radio beacon located on the airport as a navigational aid. This radio beacon is presently authorized for VFR use only. However, if no objections are received as a result of this notice, appropriate actions and/or modifications will be made to allow authorization of this facility for IFR use. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Oshkosh, Nebr. The new procedure will become effective concurrently with the designation of the transition area. IFR traffic at Oshkosh will be controlled by the Denver Air Route Traffic Control Center through the Sidney, Nebr. Flight Service Station.

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

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

OSHKOSH, NEBR.

That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Oshkosh Municipal Airport (lat. 41°24'00" N., long. 102°21'00" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 302° bearing from Oshkosh Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

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

Issued in Kansas City, Mo., on November 12, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69–14207; Filed, Dec. 1, 1969; 8:46 a.m.]

[47 CFR Parts 1, 61]

[Docket No. 18703]

TARIFFS AND EVIDENCE

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 61 of the Commission's rules relating to Tariffs and Part 1 of the Commission's rules relating to Evidence.

1. On November 13, 1969, the American Telephone & Telegraph Co. (A.T. & T.) filed a motion for extension of time in which to file comments and reply comments in the above-captioned proceeding.

2. Good cause has been shown for affording A.T. & T. and others more time to

formulate comments and recommendations with respect to the proposed rules.

3. Accordingly, the time for filing comments and reply comments is extended from November 25, 1969, and December 5, 1969, respectively to January 12, 1970, and January 23, 1970, respectively. This action is taken pursuant to delegated authority contained in § 0.303 of the Commission's rules and regulations.

Adopted: November 20, 1969.

Released: November 25, 1969.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[F.R. Doc. 69-14222; Filed, Dec. 1, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Special Announcement for Bolivia

On September 13, 1969, the Agency for International Development announced in the FEDERAL REGISTER, Volume 34, No. 176, page 14412, the reopening of the Latin American Housing Guaranty Program for Bolivia and establishing November 15 to December 1, 1969, as the dates for receiving new applications.

Acceptance of such applications in Bolivia is hereby suspended until further notice.

STANLEY BARUCH,
Director,
Housing and Urban Development.

[F.R. Doc. 69-14203; Filed, Dec. 1, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. No. 7]

AMERICAN FIDELITY FIRE INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $426,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

American Fidelity Fire Insurance Company
Westbury, Long Island, New York
New York

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: November 25, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-14238; Filed, Dec. 1, 1969; 8:48 a.m.]

Office of Foreign Assets Control

IMPORTATIONS DIRECTLY FROM FRANCE AND INDIA

Certifying Agencies

Notice is hereby given of the following changes in names of certifying agencies of the Governments of France and India for the issuance of certificates of origin under procedures agreed upon between the Office of Foreign Assets Control and the foreign governments concerned in connection with importations under the Foreign Assets Control Regulations (31 CFR Part 500).

I. France: The name "Ministère de l'Industrie" has been changed to "Ministère du Développement Industriel et Scientifique."

II. India:

1. The name "Ministry of International Trade" has been changed to "Ministry of Foreign Trade & Supply."

2. The name "Ministry of Food & Agriculture" has been changed to "Ministry of Food, Agriculture & Community Development."

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

[F.R. Doc. 69-14239; Filed, Dec. 1, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of California State Protraction Diagrams; Correction

NOVEMBER 24, 1969.

In F.R. Doc. 69-13166 appearing at page 17921 in the issue of Wednesday, November 5, 1969, in the California Protraction Diagram No. 160, third line should read T. 5 S., R. 7 E., M.D.M. In California Protraction Diagram No. 161, under T. 1 S., R. 5 E., H.M., sec. 26 should read NE¼, N½SE¼, SE¼SE¼. In California Protraction Diagram No. 165 under T. 31 N., R. 13 E., M.D.M., sec. 2 should read N½, N½SW¼, SE¼;.

JOHN E. CLUTE,
Chief, Branch of
Title and Records.

[F.R. Doc. 69-14199, Filed; Dec. 1, 1969, 8:46 a.m.]

IDAHO

Notice of Filing of Plats of Survey

NOVEMBER 24, 1969.

1. Plats of survey for the following described land, accepted September 18, 1969, will be officially filed in the Land Office, Boise, Idaho, effective at 10 a.m., on January 5, 1970.

BOISE MERIDIAN, IDAHO

T. 5 N., R. 38 E.,
Sec. 7, lots 12 to 14, inclusive;
Sec. 13, lots 8 to 18, inclusive;
Sec. 14, lots 8 to 10, inclusive;
Sec. 17, lots 10 to 15, inclusive;
Sec. 18, lots 16 to 18, inclusive;
Sec. 20, lots 5 to 8, inclusive;
Sec. 21, lots 8 to 10, inclusive;
Sec. 22, lots 9 to 12, inclusive;
Sec. 23, lots 7 to 12, inclusive;
Sec. 24, lot 3.
T. 6 N., R. 38 E.,
Sec. 36, lots 6 to 8, inclusive.
T. 6 N., R. 39 E.,
Sec. 4, lots 10 to 12, inclusive;
Sec. 9, lots 9 to 15, inclusive;
Sec. 16, lot 3;
Sec. 17, lots 10 to 17, inclusive;
Sec. 19, lots 9 to 11, inclusive;
Sec. 20, lots 5 to 10, inclusive;
Sec. 30, lots 13 to 20, inclusive;
Sec. 31, lots 8 to 11, inclusive.

The areas described aggregate 1,097.38 acres.

2. The lands involve dependent resurveys, survey of islands and omitted lands.

3. The omitted lands are subject to the provisions of the Act of May 31, 1962 (76 Stat. 89). Before sale of any of the omitted lands can be made, a notice in accordance with the regulations in 43 CFR 2214.6-1 must be published in the FEDERAL REGISTER. Inquiries concerning the lands should be addressed to the Manager, Idaho Land Office, 550 West Fort Street, Boise, Idaho 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-14200; Filed, Dec. 1, 1969; 8:46 a.m.]

[New Mexico 9594]

NEW MEXICO

Notice of Classification

NOVEMBER 24, 1969.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, for lands within New Mexico.

The lands affected by this classification are located in De Baca County and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 S., R. 20 E.,
Sec. 11, S½;
Sec. 15;
Sec. 22, N½;
Sec. 23, N½, SW¼, and W½SE¼;
Sec. 24, NW¼NE¼, S½NE¼, and SE¼;
Sec. 25, E½;
Sec. 26, W½;
Sec. 27, E½;
Sec. 28, S½S½;
Sec. 34, E½NE¼, S½SW¼, and SE¼;
Sec. 35, W½.

T. 2 S., R. 20 E.,
Secs. 1 and 3;
Sec. 10, E½ and E½W½;
Secs. 11 and 12;
Sec. 13, S½N½ and S½;
Sec. 14, S½NE¼, NW¼, and S½;
Sec. 15, E½ and E½W½;
Sec. 24, N½ and N½S½.
T. 1 S., R. 21 E.,
Sec. 11, E½SW¼;
Sec. 14, E½NW¼;
Sec. 17, SW¼SW¼;
Sec. 19, lot 4;
Sec. 30, lots 1, 2, 3, and S½SE¼.
T. 2 S., R. 21 E.,
Sec. 4, E½SW¼;
Sec. 5, N½SW¼, and W½SE¼;
Sec. 6;
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, NW¼NE¼;
Sec. 11, N½S½;
Sec. 17, E½E½, and W½NW¼;
Sec. 18, lots 1, 2, 3, 4, N½NE¼, and E½W½;
Sec. 19, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 20, N½;
Sec. 21, N½.

The areas described aggregate 12,406.09 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-14201; Filed, Dec. 1, 1969; 8:46 a.m.]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

By notice in the FEDERAL REGISTER of February 25, 1969, at 34 F.R. 2582, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by notices in the FEDERAL REGISTER on April 2 (34 F.R. 6018–19), May 6 (34 F.R. 7338), June 3 (34 F.R. 8713–14), June 28 (34 F.R. 10007–8), August 5 (34 F.R. 12722–23), September 3 (34 F.R. 14002), October 7 (34 F.R. 15564–65), and November 4 (34 F.R. 17781–82).

Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the National Register since November 4:

DISTRICT OF COLUMBIA

Washington

Central Public Library, Mount Vernon Square, 8th and K Streets.

GEORGIA

Murray County

Spring Place, *Vann House*, Intersection of U.S. 76 and Ga. 225.

ILLINOIS

Jo Daviess County

Galena, *Galena Historic District*, that part of the city of Galena recorded as the city limits on March 28, 1838, and all subdivisions added to the city prior to December 31, 1859.

MINNESOTA

Hennepin County

Minneapolis, *Minnehaha State Park*, south of Minnehaha Parkway between Hiawatha Avenue and the Mississippi River.

St. Louis Park, *St. Louis Park Station*, West 36th Street and Alabama Avenue.

Le Sueur County

Le Sueur, *Mayo (Dr. William W.) House*, 118 North Main Street.

Ramsey County

St. Paul, *Ramsey (Alexander) House*, 265 South Exchange Street.

MISSISSIPPI

Alcorn County

Rienzi, *Jacinto Courthouse*, Route 1.

Hinds County

Bovina vicinity, *Floyd Mound*, NE¼SE¼, sec. 34, T. 16 N., R. 5 E.

Edwards vicinity, *Dupree Mound and Village Archeological Site*, SE¼NW¼, sec. 21, T. 5 N., R. 3 W.

Jackson, *Capitol Green*, 100 North State Street.

City Hall, 203 South President Street.

Governor's Mansion, 316 East Capitol Street.

New Capitol, Mississippi Street between North President and North West Streets.

Old Capitol, 100 North State Street.

Pocahontas, *Pocahontas Mound A*, SE¼NW¼, sec. 10, T. 7 N., R. 1 W.

Terry vicinity, *Berry Mound and Village Archeological Site*, center NE¼, sec. 12, T. 3 N., R. 1 W.

RHODE ISLAND

Washington County

Narragansett, *The Towers*, Ocean Road.

TEXAS

Bexar County

San Antonio, *Ursuline Academy*, 300 Augusta Street.

Marion County

Jefferson, *Freeman Plantation House*, 0.8 mile west of Jefferson on Route 49.

Travis County

Austin, *Driskill Hotel*, 117 East 7th Street.

French Legation, 802 San Marcos.

VIRGINIA

Accomack County

Metomkin Island vicinity, *Bowman's Folly*, 2.5 miles southeast of intersection of Route 652 and Route 13.

Onancock, *Hopkins and Brother Store*, Market Street.

Albemarle County

Covesville vicinity, *Redlands*, 0.1 mile east of intersection of Routes 708 and 627.

Alexandria (Independent City)

Carlyle House, 123 North Fairfax Street.

Amelia County

Chula vicinity, *Wigwam*, 8 miles northwest of Chula.

Bedford County

Lynchburg vicinity, *Poplar Forest*, 0.5 mile south of intersection of Routes 661 and 460.

Botetourt County

Fincastle, *Fincastle Historic District*, bounded roughly by Back and Carper Streets on the north, by properties fronting on Hancock Street on the east, by Griffin Alley, the cemetery, and a line midway between Main Street and Murray Street on the south, and Catawba Street on the west.

Buckingham County

Buckingham, *Buckingham Court House Historic District*, along Route 60 extending 0.3 mile east of intersection of Routes 60 and 631, through Buckingham Court House.

Campbell County

Long Island vicinity, *Green Hill*, 0.3 mile south of intersection of Routes 633 and 728.

Caroline County

Bowling Green vicinity, *Old Mansion*, 0.4 mile south of intersection of Routes 2 (301) and 207.

Port Royal vicinity, *Camden*, 0.5 mile north of intersection of Routes 686 and 17.

Charles City County

Charles City, *Charles City County Courthouse*, 0.1 mile south of intersection of Routes 628 and 5.

Charles City vicinity, *Greenway*, 0.6 mile west of intersection of Routes 5 and 155.

Hopewell vicinity, *Eppes Island*, between Eppes Creek and the James River at the confluence of the James and Appomattox Rivers.

Chesterfield County

Winterpock vicinity, *Eppington*, 1.6 miles south of intersection of Routes 621 and 602.

Clarke County

Berryville vicinity, *Annefield*, 0.7 mile east of intersection of Routes 633 and 652.

Millwood, *Millwood Mill*, southwest side of intersection of Routes 723 and 255.

Culpeper County

Warrenton vicinity, *Little Fork Church*, Intersection of Routes 624 and 726.

Danville (Independent City)

Danville Public Library, 975 Main Street.

Dinwiddie County

Dinwiddie vicinity, *Burnt Quarter*, 0.7 mile southwest of intersection of Routes 627, 613, and 645.

Petersburg vicinity, *Mayfield Cottage*, 0.5 mile east of intersection of Routes 1 and 460.

Essex County

Caret vicinity, *Blandfield*, 0.7 mile east of intersection of Routes 624 and 17.

Fluvanna County

Bremo Bluff vicinity, *Bremo*, 0.9 mile north of intersection of Routes 15 and 656.

Gloucester County

Gloucester vicinity, *Toddsbury*, 1.1 miles east of intersection of Routes 622 and 14 (3).

Halifax County

South Boston vicinity, *Berry Hill*, 1.5 miles south of intersection of Routes 659 and 682.

Hampton (Independent City)

Fort Wool, on island at the entrance to Hampton Roads between Willoughby Spit and Old Point Comfort.

Hampton Institute, south side of Route 60, 0.8 mile northwest of intersection of Route 60 and Hampton Roads Bridge Tunnel.

VIRGINIA—Continued

Henrico County

Richmond vicinity, *Malvern Hill*, 1.2 miles southeast of intersection of Routes 5 and 156.

James City County

Williamsburg vicinity, *Carter's Grove*, 0.2 mile southeast of intersection of Routes 60 and 667.

King George County

King George Court House vicinity, *Nanzatico*, 1.8 miles south of intersection of Routes 650 and 625.

King William County

Tunstall vicinity, *Elsing Green*, 2.1 miles southwest of intersection of Routes 632 and 623.

West Point vicinity, *Chelsea*, 1.7 miles north of intersection of Chelsea Road and Route 30.

Lancaster County

Lively vicinity, *St. Mary's Whitechapel*, 0.1 mile northwest of intersection of Routes 354 and 201.

Loudoun County

Leesburg vicinity, *Oatlands*, 1 mile south of intersection of Routes 15 and 651.

Louisa County

Gordonsville vicinity, *Boswell's Tavern*, 0.1 mile southeast of intersection of Routes 22 and 15.

Madison County

Madison, *Madison County Courthouse*, U.S. 29.

Mathews County

Williams vicinity, *Poplar Grove Mill and House*, west of Williams on secondary road.

Montgomery County

Blacksburg vicinity, *Smithfield*, 1 mile west of Blacksburg city limits.

Elliston vicinity, *Fotheringay*, 1.4 miles south of intersection of Routes 11 and 631.

Norfolk (Independent City)

Norfolk Academy Building, 420 Bank Street.

Northampton County

Cheriton vicinity, *Eyre Hall*, 1.6 miles north of intersection of Routes 13 and 680.

Eastville vicinity, *Pear Valley*, 0.1 mile south of intersection of Routes 689 and 628.

Orange County

Barboursville vicinity, *Barboursville*, 0.5 mile south of intersection of Routes 777 and 678.

Orange vicinity, *Mayhurst*, 0.4 mile southwest of intersection of Routes 15 and 647.

Petersburg (Independent City)

Battersea, 793 Appomattox Street.

Pittsylvania County

Chatham vicinity, *Little Cherrystone*, 0.1 mile north of intersection of Routes 703 and 832.

Powhatan County

Powhatan vicinity, *Belmead*, 0.5 mile northwest of intersection of Routes 663 and 600.

Prince Edward County

Briery vicinity, *Briery Church*, 0.3 mile north of intersection of Routes 747 and 671.

Prince George County

Brandon vicinity, *Brandon*, west bank of the James River at end of Route 611.

Prince William County

Dumfries, *Old Hotel*, U.S. 1.

Pulaski County

Radford vicinity, *Ingles Ferry*, 0.9 mile north of intersection of Routes 611 and 624.

Richmond (Independent City)

Hollywood Cemetery, 412 Cherry Street.

James River and Kanawha Connection Locks, south of Cary Street between 10th and 13th Streets.

Richmond County

Tappahannock vicinity, *Sabine Hall*, 1.4 miles south of intersection of Routes 624 and 360.

Rockbridge County

Lexington vicinity, *Timber Ridge Presbyterian Church*, 0.3 mile southwest of intersection of Routes 11 and 716.

Shenandoah County

Middletown vicinity, *Fort Bowman*, 0.4 mile northeast of intersection of Routes 11 and 660.

Smyth County

Marion vicinity, *Preston House, Herondon*, 0.1 mile south of intersection of Routes 645 and 11.

Stafford County

Garrisonville vicinity, *Aquia Church*, 0.1 mile north of intersection of Routes 1 and 610.

Staunton (Independent City)

Marion vicinity, *Preston House, Herondon*, southeast corner of Greenville Avenue and Route 250.

Virginia School for the Deaf and Blind, southeast side of intersection of East Beverly Street and Pleasant Terrace.

Virginia Beach (Independent City)

Wishart-Boush House, 0.4 mile east of intersection of Route 649 and Absalom Road.

Washington County

Abingdon, *Abingdon Bank*, 225 East Main Street.

Westmoreland County

Tucker Hill vicinity, *Yeocomico Church*, on Route 606, 0.5 mile southwest of Tucker Hill.

Winchester (Independent City)

Handley Library, northwest corner of Braddock and Piccadilly Streets.

York County

Lackey vicinity, *Lee House, Kiskiack*, 2.4 miles northeast of intersection of Route 238 and 168.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[F.R. Doc. 69-14202; Filed, Dec. 1, 1969; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR RENEWAL AND HOUSING ASSISTANCE

Redelegation of Authority With Respect to Surplus Real Property

SECTION A. *Redelegation of authority.* The Assistant Secretary for Renewal and Housing Assistance and the Deputy Assistant Secretary for Renewal and Housing Assistance each is hereby authorized to exercise the following authority delegated to the Secretary of Housing and Urban Development by the Administrator of General Services under section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(d)):

1. To dispose of the properties described in section B, together with any improvements and related personal property located thereon.

2. To redelegate to subordinate employees any of the functions, powers, and duties redelegated under section A, 1.

3. To redelegate to Regional Administrators and to Deputy Regional Administrators any of the authority redelegated under section A, 1, and authorize successive redelegation thereof to regional employees.

SEC. B. Description of real property.	GSA delegation of authority		Secretary's redelegation of authority	
	FPMR, temp. reg.	Federal reg. citation	Effective date	Federal reg. citation
(1) Selfridge Air Force Base, Installation No. 1478, Joy Communication Facility Annex, Clinton Township, Macomb County, Mich., identified more particularly in the Report of Excess Real Property dated October 11, 1967, and the two amendments thereto, dated January 19, 1968, and February 6, 1968, respectively, from the Department of the Army (GSA Control No. D-Mich-603A).	H-10, dated May 22, 1969.	34 FR. 8255, May 28, 1969.	July 3, 1969	34 FR. 19084, Dec. 2, 1969.
(2) Selfridge Air Force Base, Installation No. 1479, Selfridge Housing Annex No. 1, Clinton Township, Macomb County, Mich., identified more particularly in the Report of Excess Real Property dated April 4, 1967, from the Department of the Army (GSA Control No. D-Mich-603).	do	do	do	Do.

(Delegation by Administrator of General Services cited in section B above.)

Effective date. This redelegation of authority is effective as of July 3, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-14235; Filed, Dec. 1, 1969; 8:48 a.m.]

REGIONAL ADMINISTRATOR AND DEPUTY REGIONAL ADMINISTRATOR, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Surplus Real Property

SECTION A. *Redelegation of authority.* The Regional Administrator and the Deputy Regional Administrator, Region IV (Chicago), each is hereby authorized to exercise the following authority delegated to the Secretary of Housing and Urban Development by the Administrator of General Services under section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(d)):

1. To dispose of the properties described in section B, together with any improvements and related personal property located thereon.

2. To redelegate to subordinate employees any of the functions, powers, and duties redelegated under section A, 1.

SEC. B. Description of real property.	GSA delegation of authority		Secretary's redelegation of authority	
	FPMR, temp. reg.	Federal Register citation	Effective date	Federal Register citation
(1) Selfridge Air Force Base, Installation No. 1478, Joy Communication Facility Annex, Clinton Township, Macomb County, Mich., identified more particularly in the Report of Excess Real Property dated October 11, 1967, and the two amendments thereto, dated January 19, 1968, and February 6, 1968, respectively, from the Department of the Army (GSA Control No. D-Mich-603A).	H-10, dated May 22, 1969.	34 FR. 8255, May 28, 1969.	July 3, 1969	34 FR. 19085, Dec. 2, 1969.
(2) Selfridge Air Force Base, Installation No. 1479, Selfridge Housing Annex No. 1, Clinton Township, Macomb County, Mich., identified more particularly in the Report of Excess Real Property dated April 4, 1967, from the Department of the Army (GSA Control No. D-Mich-603).	do	do	do	Do.

(Secretary's redelegation cited in section B above.)

Effective date. This redelegation of authority is effective as of July 3, 1969.

LAWRENCE M. COX,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 69-14236; Filed, Dec. 1, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2520]

LOEB, RHOADES & CO. AND LOEB, RHOADES MANAGEMENT CO., INC.

Notice of Application

NOVEMBER 24, 1969.

Notice is hereby given that Loeb, Rhoades & Co. ("Loeb Rhoades") and Loeb, Rhoades Management Co., Inc. ("Management"), 40 Wall Street, New York, N.Y. 10005, hereinafter collectively referred to as "Applicants," have filed an application pursuant to section 9(b) of the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1 et seq. ("Act") for an order of the Commission exempting Applicants and their affiliated persons from the provisions of section 9(a) (2) and (3) of the Act to the extent that such sections prevent management from acting as investment adviser to and principal underwriter for Chelsea Fund, Inc. ("Chelsea"), a registered open-end management investment company, and prevents affiliated persons of Loeb Rhoades from acting as officers and directors of Chelsea because of an injunction imposed as a result of transactions in the securities of Lynbar Mining Corp., Ltd. All interested persons are referred to the application on file with the Commission for a statement of the representations therein.

On November 14, 1968, in an action entitled Securities and Exchange Commission v. Lynbar Mining Corporation, Ltd., et al. (United States District Court for the Southern District of New York, Civil Action No. 68-4493), a final judgment was entered upon consent against Loeb Rhoades, among others, which provides in part as follows:

> Ordered, Adjudged and Decreed that Defendants, Gerard L. Burchard and Loeb, Rhoades & Co. and their partners, agents, servants and employees, and any other person acting in active concert or participation with them, are hereby restrained and enjoined from, directly or indirectly, by use of the means or instrumentalities of interstate commerce or the mails from offering to sell, selling or delivering after sale the securities of Lynbar Mining Corporation, Ltd., in violation of section 5 of the Securities Act of 1933 * * *

On the same date, the Securities and Exchange Commission issued an order accepting an offer of settlement from Loeb Rhoades and another for the purpose of disposing of issues raised under section 15(b) of the Securities Exchange Act of 1934 arising out of the offer, sale and delivery after sale of securities of Lynbar Mining Corporation, Ltd., and directing Loeb Rhoades and another to discontinue any and all trading in Canadian over-the-counter securities for a period of 60 calendar days commencing with the opening of business on November 15, 1968. The Commission determined that it was in the public interest to accept the offer of settlement in view of Loeb Rhoades' consent to the injunction, certain mitigating factors presented and upon the assumption that appropriate and effective procedures would be placed in effect prior to resumption by Loeb Rhoades of trading in Canadian over-the-counter securities.

Loeb Rhoades asserts that in the transactions leading to the above-mentioned civil action, it had no intent to violate any provisions of law, it had purchased the securities through its Canadian correspondent which had specific instructions not to purchase any stock for Loeb Rhoades which was in distribution in Canada; the activities in the stock were infinitesimal in relation to Loeb Rhoades' overall Canadian trading activities during the same period; all transactions were with other broker-dealers and no sales were made to public customers; upon its own initiative, Loeb Rhoades halted trading in all over-the-counter Canadian securities as soon as it was apprised of the concern of the staff of the Commission with the distribution of unregistered securities from Canada into the United States; it made a complete review of its compliance procedures with respect to Canadian securities; and Loeb Rhoades had not been charged with violations of any of the anti-fraud provisions of the Securities Act although certain other respondents had been so charged.

Injunctions entered against Loeb Rhoades in 1958 in Securities and Exchange Commission v. Arvida Corp., et al., U.S.D.C., SDNY, Civ. Action 138-67, and in 1961 in Securities and Exchange Commission v. Fruit of the Loom, Inc., et al., U.S.D.C., SDNY, Civ. Action 61 Civ. 640, were the subject of two prior applications pursuant to section 9(b) of the Act. Both applications for exemption were granted, and the orders granting the applications are reported in Investment Company Act Release Nos. 2820 and 3250, respectively, both of which are incorporated herein by reference.

Section 9(a)(2) of the Act makes it unlawful for any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security, to serve or act in the capacity of officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company. Section 9(a)(3) prohibits a company any affiliated person of which is ineligible by reason of 9(a)(2), to serve or act in the foregoing capacities.

Gerard L. Burchard, an employee of Loeb Rhoades, also consented to and was named in the final judgment entered in the Lynbar case. Applicants request that the order of exemption apply to Gerard L. Burchard only to the extent that his continued employment would be a bar to Applicants under section 9(a)(3) of the Act.

Loeb Rhoades represents that it is not presently an officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certificate company. However, Loeb Rhoades is the owner of

all of the outstanding capital stock of Management, which Loeb Rhoades organized to act as the investor adviser to, and principal distributor for, Chelsea. Further, several of the partners of Loeb Rhoades and employees of affiliated companies of Loeb Rhoades are proposed as officers and directors of the Fund and of Management.

"Affiliated person" of another person is defined in section 2(a)(3) of the Act to include any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person, and any officer, director, partner, copartner, or employee of such other person.

Section 9(b) of the Act provides that any person who is ineligible by reason of subsection (a) to serve or act in the capacities enumerated therein may file with the Commission an application for an exemption from the provisions of that subsection and further provides that the Commission shall by order grant such application, either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of subsection (a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicants assert that the prohibitions of section 9(a) of the Act, if applicable by reason of the above-mentioned final judgment, would be unduly and disproportionately severe if applied to Applicants and Loeb Rhoades asserts its conduct has been such as to make it not against the public interest or protection of investors to grant the requested application.

Notice is further given that any interested person may, not later than December 18, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses 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.*

[F.R. Doc. 69-14208; Filed, Dec. 1, 1969; 8:46 a.m.]

PACIFIC FIDELITY CORP.

Order Suspending Trading

NOVEMBER 25, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pacific Fidelity Corp. (a Nevada corporation), and all other securities of Pacific Fidelity Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 26, 1969, through December 5, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-14209; Filed, Dec. 1, 1969; 8:46 a.m.]

[812-2619]

WORTH FUND, INC. AND RANGER SECURITIES CORP.

Notice of Filing of Application Pursuant to Section 6(c) of the Act for Order of Exemption From the Provisions of Section 22(d) of the Act

NOVEMBER 25, 1969.

Notice is hereby given that Worth Fund, Inc. ("Fund"), a Delaware corporation registered as an open-end nondiversified investment company under the Investment Company Act of 1940 ("Act"), and Ranger Securities Corp. ("Ranger"), 1540 Broadway, New York, N.Y., a New York corporation which is the principal underwriter for Fund (hereinafter referred to collectively as "applicants"), have filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 22(d) of the Act to permit the sale of the Fund's shares at net asset value without any sales charge to the persons enumerated below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Section 22(d) provides, in relevant part, that a registered open-end investment company is prohibited from selling a redeemable security issued by it to any person except at a current offering price described in the prospectus. The current offering price of shares (redeemable) of the Fund as described in the Fund's prospectus is the net asset value plus a maximum sales charge of 8.3 percent of the public offering price, reduced on a graduated scale according to the amount of the purchase. Thus section 22(d) prohibits the proposed sale of the Fund's shares at net asset value without a sales charge.

Section 6(c) of the Act authorizes the Commission by order, upon application, to exempt, conditionally or unconditionally, any transaction from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds 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.

The exemption requested would permit sale of the Fund's shares at net asset value without sales charge to officers, directors and full-time employees, who have acted as such for at least 90 days, of the Fund, Ranger, Educators & Executive Co. ("E & E Co."), which is the parent of Ranger, and of E & E Co.'s subsidiaries and affiliates; to any trust, pension, profit-sharing, deferred compensation, stock purchase and savings or other benefit plan for such persons; and to E & E Co., its subsidiaries and affiliates. The subsidiaries of E & E Co. are Ranger, Worth Counsel Corp., Educator & Executive Insurers, Inc., Educator & Executive Life Insurance Co., E & E Securities, Inc., and Educator & Executive Insurance Agency, Inc.

Such sales will be made pursuant to a uniform offer described in the Fund's prospectus and only upon the written assurance of the purchaser that the purchase is made for investment purposes and that the shares will not be resold except upon repurchase or redemption by or on behalf of the Fund.

The application states that no sales expense will be incurred in the sale of shares for which exemption from the provisions of section 22(d) is sought; that there will be no personal contact made by sales representatives; and that the announcement as to the availability of the Fund's shares will be made in a house publication or on a bulletin board of the various subsidiaries and investments will ordinarily be made through a payroll deduction plan. Ranger will not bear the expenses of either the announcements or the payroll deduction plan.

Notice is further given that any interested person may, not later than December 15, 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, if any, 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 persons being

served are located more than 500 miles from the point of mailing) upon applicants at the addresses 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 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. 69–14210; Filed, Dec. 1, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–237]

COMMONWEALTH EDISON CO.

Order Extending Provisional Construction Permit Completion Date

By application dated November 6, 1969, as supplemented by telegram dated November 13, 1969, Commonwealth Edison Co., requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR–18. The permit authorizes Commonwealth Edison Co., to construct a single cycle, boiling water nuclear reactor, known as Dresden Unit 2, at the Dresden Nuclear Power Station in Grundy County, Ill.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR–18 is extended from December 1, 1969 to March 1, 1970.

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

For the Atomic Energy Commission.

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

[F.R. Doc. 69–14184; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket No. 50–245]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Order Extending Provisional Construction Permit Completion Date

The Connecticut Light and Power Co., The Hartford Electric Light Co., Western Massachusetts Electric Co. and the Millstone Point Co., Docket No. 50–245.

By application dated November 3, 1969, The Connecticut Light and Power Co., The Hartford Electric Light Co., Western Massachusetts Electric Co., and The Millstone Point Co., requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR–20. The permit authorizes The Connecticut Light and Power Co. et al. to construct a boiling water nuclear reactor, known as the Millstone Nuclear Power Station Unit 1, on the applicants' site in the town of Waterford, Conn.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR–20 is extended from January 1, 1970, to January 1, 1971.

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

For the Atomic Energy Commission.

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

[F.R. Doc. 69–14185; Filed, Dec. 1, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 21407, 21416; Order 69–11–119]

CUTLASS AVIATION, INC.

Service Mail Rates; Order To Show Cause

Issued under delegated authority November 25, 1969.

On September 10 and 11, 1969, the Postmaster General filed notices of intent pursuant to 14 CFR, Part 298, petitioning the Board to establish for Cutlass Aviation, Inc. (Cutlass), final service mail rates per great circle aircraft mile for the transportation of mail by aircraft as follows:

Docket	Between	Cents
21407.....	Buffalo and New York, N.Y. (LGA).	51.5
21416.....	Rochester and New York, N.Y. (LGA).	53.5

Cutlass is currently engaged in business as an air-taxi operator under Part 298 of the Board's Economic Regulations. The Postmaster General states that Cutlass proposes to initiate service with Beech, Model D–18–S, twin-engine aircraft and that the Department and the carrier agree that the above are fair and reasonable rates of compensation for the proposed services. He submits the cost data which Cutlass presented with its bids. These cost data tend to support the proposed rates. The Postmaster General believes these services will meet postal needs in these markets.

By Order 69–11–104, November 24, 1969, in these dockets the Board has determined to approve the notices of intent thereby permitting them to become effective pursuant to 14 CFR 298.24(d). Therefore, Cutlass may provide the proposed air transportation of mail for the period ending June 30, 1974.[1]

Since no mail rates are presently in effect for this carrier in these markets, it is necessary and in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid to Cutlass by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notices of intent and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

The fair and reasonable final service mail rates per great circle aircraft mile to be paid on and after November 24, 1969, to Cutlass Aviation, Inc., entirely by the Postmaster General, pursuant to section 406 of the Act, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be as follows:

Docket	Between	Cents
21407.....	Buffalo and New York, N.Y. (LGA).	51.5
21416.....	Rochester and New York, N.Y. (LGA).	53.5

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR, Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Cutlass Aviation, Inc., the Postmaster General, American Airlines, Inc., Eastern Air Lines, Inc., United Air Lines, Inc., Allegheny Airlines, Inc., Mohawk Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates, specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rates of compensation to be paid to Cutlass Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and notice of any objection to the rates or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer

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[1] June 30, 1974, is the termination of all mail authority granted to air taxis pursuant to § 298.13 of the Board's Economic Regulations.

[2] As this order to show cause is not a final action but merely provides for interested persons to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR, Part 385). These provisions will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Cutlass Aviation, Inc., the Postmaster General, American Airlines, Inc., Eastern Air Lines, Inc., United Air Lines, Inc., Allegheny Airlines, Inc., and Mohawk Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14240; Filed, Dec. 1, 1969; 8:48 a.m.]

[Docket No. 21644; Order 69-11-110]

EASTERN AIR LINES, INC., AND TRANS WORLD AIRLINES, INC.

Order Deferring Action

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of November 1969.

On August 18, 1969, Eastern Air Lines, Inc., and Trans World Airlines, Inc., filed pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), copies of an agreement with Societe Preparatoire pour Air Transport Insurance, S.A., a Swiss corporation (Preparatory Co.) that has been organized as the preparatory company for the formation in Switzerland of two airline-owned insurance companies.

The agreement is the outgrowth of studies undertaken by the Joint Insurance Preparatory Committee of the International Air Transport Association (IATA) and the Air Transport Association (ATA) for the purpose of exploring the establishment of two airline-owned insurance companies, one for primary risks and the other for excess risks. These companies will be known as Air Transport Insurance, S.A. (Primary Company) and Air Transport Guaranty, S.A. (Guaranty Co.), respectively. According to the agreement, formation of the new companies would serve materially to meet the urgent demand for expanded aviation insurance capacity and would further serve to provide economic benefit to the participants. The parties believe that expanded insurance capacity will be essential for the successful introduction of the high-capacity jets and of supersonic transports, and that it is thus in the public interest as well as in the interest of the world's airlines to provide such additional capacity.

According to the agreement, the Preparatory Co. has been formed to solicit subscriptions for the purchase of capital stock in the Primary and Guaranty Cos., to secure the acceptance of and approve application forms, and to arrange for and cooperate in the organization of the two companies. The activities and existence of the Preparatory Co. will terminate upon the actual formation of the Primary and Guaranty Cos. Airlines qualified to participate in the two companies are as follows: (a) An airline certificated to conduct a scheduled air transport service under applicable governmental authority; (b) an airline certificated to conduct a nonscheduled air transport service under applicable governmental authority, which is owned or operated by, or similarly affiliated with, an airline of category (a) above; and (c) a supplemental air carrier duly certificated by the Board. The companies will be formed on the date on which the parties are notified that a sufficient number of applications to become shareholders in either or both companies have been received and all necessary governmental approvals, including that of the Board, have been received.

Under the terms of the agreement, the two companies are to be formed in order to permit participating airlines to become policyholders therein thus expanding the capacity of the existing aviation markets by accepting 40 percent of the risks for participating airlines in accordance with procedures set forth in the by-laws of each company. Both companies will follow the market on loss settlements and pay 40 percent of each applicable settlement dollar. It is anticipated that participating airlines will participate in both companies, but participation in the Guaranty Co. alone will be accepted. Participation in the Primary Co. alone will be accepted only if a participating airline purchases nothing but coverage which can be accommodated by the Primary Co. Participating airlines may continue to place their primary and excess coverage with the market in the normal manner. However, to permit an orderly evaluation of the capital requirements for the two companies certain procedures will be followed with respect to insurance placed with the companies.

The agreement establishes that the authorized and issued capital stock of the Primary Co. will be $24 million of which 50 percent will be paid in initially. In addition, the Primary Co. will be able to call from its policyholders $48 million of guarantees as premium additions secured through bank guarantees, when and if required. Authorized and issued capital stock of the Guaranty Co. will be $28 million of which 50 percent is to be paid in initially. In addition, the Guaranty Co. will be able to call from its policyholders $7 million of catastrophe guarantees, as premium additions secured through bank guarantees, when and if required.

Any qualified airline may become an original party to the Preparatory Agreement by complying with the by-laws of the Primary and/or Guaranty Cos., as applicable, and by executing a counterpart copy of the agreement on or before October 31, 1970.

Attached to preparatory agreement, as integral parts thereof and incorporated therein by full reference, are several annexes which include a preliminary prospectus for the Primary and Guaranty Cos.; the articles of incorporation and by-laws of each such company; and certain forms to be executed by participating airlines.

The preliminary prospectus, reproduced in its entirety, is attached hereto as an appendix.[1]

No comments in opposition to the agreement or requests for a hearing have been received.

The agreement raises novel issues which may be of considerable significance to various persons, including air carriers and foreign air carriers not yet parties to the agreement, and members of the aviation insurance underwriting community, as well as their investors. Because of the complexity of the agreement and its possible impact, the Board has decided to defer action on the matter temporarily and to allow an opportunity for interested persons to file written comments in support of or in opposition to approval of the agreement.

In regard to written comments, the Board desires that interested persons focus in detail on the following questions as well as any other matters they may deem relevant:

1. Are the resources of the existing aviation insurance community adequate to meet on reasonable terms the increased exposures caused by higher individual settlements, the increased passenger load of high capacity jet and supersonic aircraft, and the greatly increased hull values of such aircraft?

2. In the event of Board approval of the arrangement, what would be the economic impact on the existing aviation insurance community?

3. Why has it been established that the Primary and Guaranty Cos. would offer 40 percent of the coverage that the airlines would otherwise place in the aviation insurance market rather than a greater or lesser percentage?

4. What is the anticipated percentage participation of the qualified airlines in (a) the Primary Co., and (b) the Guaranty Co.?

5. Is the agreement adverse to the public interest?

6. In the event the Board approves the agreement, what, if any, conditions should it impose on such approval?

Accordingly, it is ordered:

1. That action on Agreement CAB 21240 be and it hereby is deferred;

2. That interested persons be and they hereby are afforded a period of 30 days

[1] Filed as part of the original document. Because of their volume, other annexes to the agreement are not reproduced herein. However, they are available for public inspection in the Board's Docket Section.

from the date of service of this order to file comments in support of or in opposition to the agreement; [2] and

3. That this proceeding be assigned Docket No. 21644.

This order will be served upon all certificated air carriers, the Air Transport Association, the International Air Transport Association, National Air Carrier Association, Associated Aviation Underwriters, U.S. Aviation Underwriters, Inc., the Department of Justice, and the Department of Transportation and shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-14241; Filed, Dec. 1, 1969; 8:48 a.m.]

[Docket No. 21647; Order 69-11-126]

INCREASES IN EXCURSION FARES TO HAWAII FOR SPOUSES AND PARENTS OF SERVICEMEN ON REST AND RECUPERATION LEAVE

Order for Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of November 1969.

By tariff revisions [1] marked to become effective November 28, 1969, December 1, 1969, and December 17, 1969, Braniff Airways, Inc. (Braniff), Continental Air Lines, Inc. (Continental), Western Air Lines, Inc. (Western), and Northwest Airlines, Inc. (Northwest), propose to increase their round-trip fares between points in the continental United States and Hawaii applicable to the spouses and parents of servicemen who are on rest and recuperation leave in Hawaii.

No justification has been submitted by any of the carriers in support of their proposals and no complaints have been filed.

In the absence of any justification for the increases, the Board finds that Braniff's, Continental's, Northwest's, and Western's proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial or otherwise unlawful and should be investigated. The Board further concludes that the tariffs in question should be suspended pending investigation.

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

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A attached hereto,[3] and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto [3] are suspended and their use deferred to and including February 25, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

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

4. A copy of this order be filed with each of the tariffs named in Appendix A and served upon Braniff Airways, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-14242; Filed, Dec. 1, 1969; 8:48 a.m.]

[Docket No. 20291; Order 69-11-114]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare Matters

Issued under delegated authority November 25, 1969.

Agreements adopted by Traffic Conference 1 and Joint Conference 1-2 of the International Air Transport Association relating to fare matters, Docket No. 20291, Agreement CAB 21348, R-1 and R-2, Agreement CAB 21358, Agreement CAB 21359.

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

The agreements, in addition to making certain amendments that do not directly affect air transportation: (1) establish proportional fares to be used in the construction of through fares to/from Manizales, Pereira, and Armenia, Colombia, and (2) amend the construction of through fares to/from Curitiba, Brazil, which, for the most part, result in slight reductions. With respect to the latter, Curitiba fares are now constructed over Sao Paulo but held to the level of the specified fares to/from Porto Alegre. The amendment provides that the level of the constructed Curitiba fares be held to the level of the specified fares to/from Asuncion.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which are incorporated in the agreements indicated, affect air transportation within the meaning of the

Agreement CAB:	*IATA Resolutions*
21348, R-2	JT12(Mail 716)070f
21359	JT12(Mail 714)070f

2. It is not found that the following resolutions, which are incorporated in the agreement indicated, and which do not directly affect air transportation, are adverse to the public interest or in violation of the Act:

Agreement CAB:	*IATA Resolutions*
21348, R-2	JT12(Mail 716)054b JT12(Mail 716)064b

3. It is not found, on a tentative basis, that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB:	*IATA Resolutions*
21348, R-1	100(Mail 814)051 100 (Mail 814)061 100(Mail 814)070
21358	100(Mail 816)051 100(Mail 816)061 100(Mail 816)070

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to those portions of Agreements CAB 21348 and 21359 as set forth in finding paragraph 1;

2. Those portions of Agreement CAB 21348 as set forth in finding paragraph 2 be and hereby are approved; and

3. Action on those portions of Agreements CAB 21348 and 21358 as set forth in finding paragraph 3 is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-14243; Filed, Dec. 1, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18610; FCC 69R-476]

MANATEE CABLEVISION, INC. ET AL.

Memorandum Opinion and Order Enlarging Issues

In the matter of Petition by Manatee Cablevision, Inc. to stay construction and operation of CATV distribution facilities in Manatee County, Fla., by General

[2] An original and 19 copies of such comments should be filed with the Board's Docket Section.

[1] Revisions to Tariff C.A.B. No. 101 of Airline Tariff Publishers, Inc., agent for Braniff, Continental and Northwest, and revisions to Western's Tariff C.A.B. No. 77.

[3] Filed as part of the original document.

Telephone System, General Telephone Company of Florida, and G.T. & E. Communications, Inc.

1. On August 25, 1969, Manatee Cablevision, Inc. (Manatee), filed the instant petition which requests the Review Board to amend the Commission's memorandum opinion and order and order to show cause (18 FCC 2d 812, released Aug. 4, 1969) in this proceeding insofar as temporary stay provisions are concerned and to enlarge the already specified issues herein by renumbering the last issue from (d) to (i) and by inserting the following new issues: [1]

(d) To determine the locations of messenger strand, trunk coaxial cable and distribution coaxial cable (both energized and unenergized) and the location, number and identity of subscribers actually receiving television pictures distributed by GTEC's CATV system in Manatee County as of July 30, 1969, August 4, 1969, and the date of this order;

(e) To determine whether, in light of the evidence adduced pursuant to issue (d) above, GTEC, General of Florida or General Telephone & Electronics Corp. have violated the terms of the temporary stay order adopted by the Commission on July 29, 1969 (FCC 69-821);

(f) To determine whether GTEC's CATV system in Manatee County, Fla., commenced operations in violation of § 74.1105(c) of the Commission's rules and regulations;

(g) To determine whether GTEC's CATV system in Manatee County, Fla., is extending the signals of television stations beyond their Grade B contours into the city of Bradenton, Fla., in violation of §§ 74.1107 and 74.1105 of the Commission's rules and regulations;

(h) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the General Telephone Company of Florida, G.T. & E. Communications, Inc., and General Telephone & Electronics Corp., jointly or severally, should be directed to cease and desist from providing CATV facilities or service within or to Manatee County, Fla.

2. This proceeding was initiated as a result of charges made by Manatee, the holder of a nonexclusive franchise to provide CATV service in Manatee County, that General Telephone System (General) and its affiliates, including GTEC, in constructing and rapidly expanding construction of CATV distribution facilities in Manatee County, have engaged in anticompetitive practices, acted to circumvent section 214 of the Communications Act, and violated the Commission's partial stay order in Docket No. 17333. On the basis of the pleadings before it, the Commission determined that substantial questions of law and fact are raised by the actions of a common carrier (General Telephone Company of Florida (GTCF)) which is holding itself out to provide service that is subject to certification procedures under section 214 of the Act and by the actions of an affiliated CATV company, i.e., GTEC. Noting this proceeding's similarity to TeleCable Corp., 17 FCC 2d 517 (1969), the Commission found that a substantial question is raised here as to whether the primary thrust of the local telephone company's actions is to retain to itself complete ownership and control of CATV distribution facilities within a community and to reject, directly or indirectly, attempts by independent CATV operators to own, construct, or operate their own distribution facilities through appropriate pole attachment arrangements. Holding that GTCF is bound by the decision in Docket No. 17333 [2] which requires a prior certification of public convenience and necessity under section 214 of CATV distribution facilities and pointing out that the alleged activities of GTCF and GTEC, if demonstrated, would substantially lessen competition or restrain commerce or unlawfully create a monopoly, the Commission issued a show cause order and directed that an expedited hearing be held to inquire into such activities and to determine whether section 214 certification is required by the Commission in connection with the construction and operation of CATV distribution facilities in Manatee County by GTCF and GTEC.[3] The Commission further ordered that the respondents in this proceeding, General Telephone & Electronics Corp., GTCF, and GTEC, are prohibited from placing into operation any CATV distribution facilities in Manatee County pending resolution of the specified issues or certification of such facilities by the Commission, whichever occurs first. The stay order was based on the "reasonable likelihood that CATV service will be commenced before a decision is issued in this case", and was issued to prohibit "GTEC from commencing CATV operations until the issues designated in this proceeding are resolved or until further order of the Commission."

3. In the instant petition, Manatee, through the attached affidavit of its president, states that the installation of "house-drop cable" by GTEC has been observed, and that by such action GTEC has commenced the delivery of CATV service to an unknown but apparently large number of new customers since the date of the Commission's show cause order. On this basis, Manatee argues that GTEC's activities clearly violate the terms of the Commission's stay order herein and that such violation itself warrants the institution of a show cause proceeding. However, the petitioner suggests that, in view of the similarity of the parties who would participate in such a proceeding and those who are involved herein and in light of the gravity of GTEC's alleged violation of the stay order and the consequent need for expedition, the Board should combine an inquiry into this latest violation of GTEC with the present show cause proceeding by adding new issues (d) and (e), noted above.[4] Although it is Manatee's belief that the presently specified issues would permit the introduction of evidence concerning the subject matter of proposed issues (d) and (e), the petitioner points out that addition of the issues would remove any doubt and would insure the speedy issuance of a cease and desist order for violation of the stay provisions of the Commission's designation order.

4. According to the petitioner, proposed issues (f) and (g) look toward an inquiry into alleged violations by GTEC of §§ 74.1105 and 74.1107 of the Commission's rules by virtue of GTEC's carriage of the signal of Station WINK-TV (CBS), Ft. Myers, Fla. Manatee alleges that information obtained from GTEC's office in the city of Bradenton, Fla., and subsequently verified by personal observation, indicates that GTEC is and has been carrying the WINK-TV signal throughout its entire system, which from a single headend serves the separate franchise areas of Manatee County and the city of Bradenton. The alleged violations of § 74.1107 and § 74.1105(a) are based on the allegation of GTEC's carriage of the WINK-TV signal in Bradenton which, according to allegedly uncontroverted engineering evidence, is not reached by that station's Grade B contour and which is located within the Tampa-St. Petersburg market, the 31st television market;[5] on the allegation that the Commission's records do not contain a § 74.1107 waiver request by Bradenton Cablevision, GTEC's predecessor, or by any other CATV system for Bradenton, nor do they show Commission authorization for the carriage of the WINK-TV signal in Bradenton; and on the further allegation that there is no record that Bradenton Cablevision ever submitted the required § 74.1105

[1] Related pleadings before the Board for consideration are: (a) Comments, filed Sept. 4, 1969, by the CATV Task Force; (b) Opposition, filed Sept. 9, 1969, by G.T. & E. Communications, Inc. (GTEC); and (c) Reply, filed Sept. 16, 1969, by Manatee.

[2] General Telephone Company of California, 13 FCC 2d 448, 13 RR 2d 667 (1968); reconsideration denied 14 FCC 2d 693, 14 RR 2d 341 (1968), affirmed ------ U.S. App. D.C. ------, 16 RR 2d 2001 (D.C. Cir. 1969), cert. denied ------ U.S. ------, 38 LW 3150 (1969).

[3] An inquiry was also directed as to whether the actions of GTCF, GTEC, and G.T. & E., acting alone or in concert with others in relation to Manatee, are anticompetitive and monopolistic in nature, in contravention of the Communications Act or otherwise contrary to the public interest.

[4] The supporting affidavit of Manatee's president indicates that GTEC has continued to deliver cable service to new subscribers in Manatee County since the release date of the Commission's show cause order. Petitioner interprets the Commission's stay order as an intention "to stop all existing GTEC services as well as all new service." Although Manatee recognizes that a question might arise as to whether GTEC could continue to deliver its service to subscribers who were receiving such service prior to Aug. 4, 1969, it asserts that there can be no dispute that GTEC had been ordered not to commence service to any new homes or businesses after Aug. 4, 1969.

[5] The engineering evidence relied on was introduced in Docket No. 17051 and included a map which was subsequently attached to a petition to reject or set for hearing, filed on Sept. 25, 1968, by Hubbard Broadcasting, Inc. (file No. SR-96819). The evidence allegedly shows that WINK-TV's Grade B contour reaches only as far as the southern portion of Manatee County and falls at least 5 miles short of Bradenton.

notification of WINK–TV's carriage. In addition, the petitioner claims that although the WINK–TV signal is not distant to Manatee County, GTEC should not be carrying the signal without further Commission action since, on September 25, 1968, Hubbard Broadcasting, Inc., filed a petition directed to Bradenton Cablevision's notification of CATV service, which petition invoked the stay provisions of § 74.1105(c). Since the automatic stay is still in effect, Manatee argues, GTEC's carriage of the WINK–TV signal in Manatee County constitutes a violation of § 74.1105(c) of the rules. Petitioner proposes the addition of issue (h) to this proceeding as the standard conclusory issue in show cause proceedings, citing TeleCable Corp., supra, and suggests that its omission here was inadvertent.

5. In its comments on Manatee's petition, the CATV task force agrees that an inquiry into GTEC's alleged violations of the Commission's stay order may be appropriately added here since the Commission is concerned with the effect of such violations on the CATV situation in Manatee County and since hearing has been ordered on other issues. The task force believes that the Commission's language in imposing the stay order clearly proscribes the placing into operation of any CATV distribution facilities, either fully constructed or in the process of construction, in Manatee County.[6] According to the task force, the Commission ban must be taken to include a prohibition against the commencement of service over new "drops" from already energized facilities to subscribers' homes or businesses in light of the difficulty of withdrawing an existing service in the event of a decision adverse to GTEC. Although the task force recognizes the fact that the Commission has interpreted its decision in Docket No. 17333 as not prohibiting the installation of "drops" to the premises of CATV subscribers from trunk and feeder lines in operation on June 26, 1968, the date of the section 214 decision,[7] it distinguishes the instant proceeding on the basis of the allegations of anticompetitive conduct here, a situation allegedly not before the Commission in Docket No. 17333. In regard to Manatee's proposed issues (f) and (g), the task force is of the opinion that alleged violations of Part 74 of the Commission's rules in the city of Bradention are irrelevant to the instant proceeding and should not be put in issue here. While it concedes that compliance with Part 74 by a CATV system may be relevant in determining whether a section 214 certification application should be granted, the task force notes that the instant proceeding does not involve a pending section 214 application, but rather seeks to determine whether the circumstances require certification. The task force also points out that the question of whether or not the WINK–TV signal is local to GTEC's operation in the unincorporated areas of Manatee County would require an engineering determination and the participation by any interested broadcasters in the resolution of that question. Since such a process would derogate from the expedition ordered by the Commission herein and since the question can be separately resolved perhaps without the need for a hearing, the task force opposes Manatee's request for the proposed Part 74 issues. Finally, the task force offers no objection to proposed issue (h) although it is of the opinion that the ultimate question of whether a cease and desist order should issue is implicit in any show cause proceeding.

6. GTEC, supported by affidavits attached to its opposition, denies that it is engaged in a rapid construction program in Manatee County. While it does concede that it has continued to make "drops" from cable energized and in operation prior to the release date of the show cause order, GTEC denies that it has placed in operation any CATV distribution facilities not theretofore operational, which is all that the stay order proscribes. GTEC argues that the purpose of the temporary injunction was to preserve the status quo and that the Commission never intended, nor has it the power, to terminate pre-existing operations before the resolution of the question of whether or not a cease and desist order should issue against the respondents. In support of this interpretation of the stay order, GTEC refers to the General Telephone Co. of California proceeding wherein the Commission permitted the installation of "drops" from distribution cable energized and in operation prior to the effective date of the injunction. GTEC contends that it would not be in the public interest to prohibit the addition of "drops" since that would only serve to deprive persons desiring CATV service from obtaining it; GTEC also claims that its conduct does not injure petitioner or limit Manatee's own construction program since GTEC is not now constructing distribution facilities in the unincorporated areas of Manatee County. On this basis then, GTEC concludes that there is no need to specify the proposed issues relating to its compliance with the stay order. In regard to alleged violations of §§ 74.1105 and 74.1107, GTEC agrees with the task force that Manatee's proposed issues would unduly complicate this proceeding by raising matters extraneous to the principal questions which concern the Commission. GTEC also notes that since its acquisition of the CATV systems in Bradenton and Manatee County, it has not added any additional signals to its service and that it is currently seeking to determine whether any aspects of its operation are, in fact, inconsistent with Commission requirements.[8]

7. In its reply pleading, Manatee denies that it seeks to alter the terms of the stay order to preclude "drops"; it asserts that the parameters of the stay order are clear and that it merely proposes issues which would determine whether GTEC has violated that order. The petitioner argues that, by its Memorandum Opinion and Order (19 FCC 2d 647, released September 12, 1969) amending the stay provisions herein, the Commission clearly granted the Review Board authority to amend those provisions by adding a prohibition against the new or continued operation of any "drop" lines not energized by August 4, 1969, regardless of whether or not the distribution facilities feeding these "drop" lines were energized prior to that date. Manatee would have the Board add proposed issues (d) and (e) in order to make it clear that a cease and desist order may be issued solely because of GTEC's alleged violations of the stay order. Petitioner suggests, however, that the Board can and should amend the stay order to include a prohibition against "drop" lines if there is any doubt as to the scope of the original stay order.

8. The first question which Manatee's instant petition raises for the Board's consideration involves the scope of the stay provisions imposed by the Commission in this proceeding. Initially, we note that the original prohibition contained in the order to show cause herein prevents the respondents "from placing into operation any CATV distribution facilities in Manatee County" pending resolution of the specified issues or certification of those facilities by the Commission, whichever occurs first. In response to a further petition, filed by Manatee on September 4, 1969, concerning the further construction of additional CATV facilities in Manatee County by the respondents, the Commission amended its original stay order to prohibit the respondents from "constructing any CATV channel distribution facilities in Manatee County" without prior certification by the Commission and from "operating or placing into operation" any such facilities "which had not been completed and in operation before August 4, 1969", the release date of the show cause order herein. See 19 FCC 2d 647, released September 12, 1969. In its order amending the stay provisions, the Commission

[6] The task force disagrees with Manatee's claim that the Commission intended to stop all existing GTEC service as well as new service and contends that the order clearly implies that already existing service would be permitted to continue.

[7] See Memorandum Opinion and Order in Docket No. 17333, FCC 68–715, released July 5, 1968.

[8] GTEC also questions whether the failure of Hubbard Broadcasting, Inc., to oppose Manatee's carriage of the WINK–TV signal in Manatee County constitutes an abandonment of its position against such carriage by GTEC's predecessor; it also points to the Commission's policy which recognizes that competitive CATV systems should be permitted to carry the same signal. GTEC notes that it received the customary warranties in its acquisition of the CATV system that the operations complied with Commission requirements and that, in any event, any violations of Commission's rules which are assumed, arguendo, to exist are not willful on its part.

pointed out that its action should not be construed as a determination that the respondents have engaged in the activities charged by Manatee or have violated the outstanding stay order, and it refused to comment on the question of whether the respondents should be prohibited from installing "drops" from distribution facilities energized before August 4, 1969, in light of the Board's anticipated consideration of the question on the basis of the instant pleadings. In a more recent ruling on a request by GTEC,[8] the Commission, in an attempt to insure the maintenance of the status quo in Manatee County, ordered that, as a condition to the maintenance of the outstanding order against GTEC, Manatee agree that during the pendency of this proceeding it will undertake no further construction of feeder or distribution cable after the release of the Commission's order and that it will not operate or place into operation any CATV feeder or distribution cable which had not been completed and energized prior to the release of the order. The Commission, however, stated that Manatee will be permitted to continue the installation of drops from distribution facilities constructed and energized prior to the release date of the order.[9]

9. The Commission's amendment of the stay order herein effectively refutes Manatee's claim that the Commission intended to prohibit all existing CATV service as well as new service by GTEC. The Commission, in its ordering clause, clearly indicates that distribution facilities completed and in operation prior to the release date of the show cause order (Aug. 4, 1969) could continue to provide service to CATV subscribers in Manatee County. Although the Commission refused to comment on the question now before us, its more recent ruling appears to be dispositive on the issue of whether the respondents should or should not be prohibited from installing "drops" from distribution facilities energized before August 4, 1969. In that ruling, the Commission attempted to strike an equitable balance in regard to the CATV operations of the respondents and Manatee in order to maintain the status quo to the extent possible; in so doing, the Commission specifically allowed Manatee to continue the installation of "drops" from distribution facilities constructed and energized prior to the release date of the order (Oct. 6, 1969). We can only conclude from this action that the Commission intended to permit the installation of "drops" from similar facilities energized prior to August 4, 1969, by GTEC when it imposed the stay provisions of the show cause order. Such an interpretation conforms with the Commission's expressed intention herein to accord equal treatment to the competing CATV systems and conforms with the Commission's approval of such activities in Docket No. 17333.[11] Since, on the basis of the facts before us, GTEC does not appear to be in violation of the Commission's stay order insofar as its operations in the unincorporated areas of Manatee County are concerned, we see no need to include proposed issues (d) and (e) in this proceeding.[12]

10. The Board will also deny Manatee's further request for proposed issues inquiring into alleged violations of §§ 74.1105 and 74.1107 of the rules by GTEC. The gravamen of Manatee's allegations in this regard are more appropriately raised in the context of a separate proceeding and/or in the context of the Commission's consideration of an application for section 214 certification, if it is ultimately determined in this proceeding that such certification is required. We agree with the task force that, to resolve the questions of alleged violations of §§ 74.1105 and 74.1107, an engineering determination would be required which would, in turn, necessitate the participation of any interested broadcasters, and that the effect of Hubbard's petition invoking the automatic stay provisions of § 74.1105(c) against the carriage of the WINK–TV signal in Manatee County by GTEC's predecessor would have to be determined. To inject such contested matters into this proceeding would be in derogation of the Commission's order that the instant show cause proceeding be expedited and would result in further hearing on issues not directly relevant to the determination to be made herein, i.e., whether the actions of the respondents are such as to require section 214 certification and are anticompetitive and monopolistic in nature. Moreover, the questions now raised by Manatee are capable of resolution without recourse to hearing. In these circumstances, we will decline to complicate the instant proceeding further by specifying proposed issues (f) and (g), but without prejudice to the refiling of a similar request by Manatee when appropriate, as noted above. We will add the proposed conclusory issue suggested by Manatee to determine whether a cease and desist order should be directed against the respondents even though such a determination is implicit in this proceeding (see issue (d)) and has been articulated sufficiently in the show cause order itself. Addition of the issue is consistent with TeleCable Corp., supra, and has not been opposed by GTEC or the task force, and its omission appears to have been inadvertent.

11. *Accordingly, it is ordered*, That the petition to amend order to show cause and to enlarge issues, filed August 25, 1969, by Manatee Cablevision, Inc., is granted to the extent that the issues in this proceeding are enlarged by the addition of the following issue (d) to this proceeding:

(d) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the General Telephone Co. of Florida, G. T. & E. Communications, Inc. and General Telephone and Electronics Corp., jointly or severally, should be directed to cease and desist from providing CATV facilities or service within or to Manatee County, Fla.; and

existing issue (d) is redesignated as issue (e); and, in all other respects, the petition is denied.

Adopted: November 19, 1969.

Released: November 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[13]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-14223; Filed, Dec. 1, 1969; 8:47 a.m.]

[8] Memorandum Opinion and Order, 19 FCC 2d 951, 17 R.R. 2d 559, released Oct. 6, 1969.

[9] The Commission requested a statement from Manatee agreeing to such a restriction within a certain period of time. Without such a statement, the Commission indicated that it would vacate its Sept. 12, 1969, order prohibiting the construction and operation of CATV distribution facilities by GTEC. Manatee subsequently filed a statement of compliance in which it agreed to such restriction.

[11] We do recognize, as the task force notes in its comments, that the Commission's sanction of the further installation of "drops" in the section 214 proceeding is not necessarily dispositive of the question in the context of the instant proceeding. We also are aware that such CATV service as is provided by GTEC after Aug. 4, 1969, could be withdrawn in the event of a decision adverse to the respondents. However, the Commission's intention in this regard seems clear to us as a result of its Oct. 6, 1969, ruling, and we will abide by that intention.

[12] In its Oct. 6, 1969, ruling, the Commission noted Manatee's allegation that GTEC is presently constructing CATV facilities in Bradenton and warned that, if such charge is accurate, then GTEC is constructing facilities in direct violation of the stay order and thereby subjecting itself to legal sanctions and penalties. As previously indicated, Manatee has not specifically alleged that GTEC has constructed distribution facilities in the unincorporated areas of Manatee County after Aug. 4, 1969, in support of the instant petition.

[13] Board member Nelson dissenting in part and voting to stay additional drops by General.

FEDERAL MARITIME COMMISSION

SEATRAIN LINES, INC., AND BERWIND LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW.,

Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

Agreement No. DC-41 between Seatrain Lines, Inc. and Berwind Lines, Inc., provides for the transportation of cargo under through bills of lading between U.S./Atlantic ports and ports in the Virgin Islands with transportation to San Juan, Puerto Rico. The through rates and terms of transportation will be combination rates of those separately published by Seatrain Lines, Inc., between Atlantic ports and Puerto Rico and those separately published by Berwind Lines, Inc., between Puerto Rico and the Virgin Islands. All shipments pursuant to this agreement moving from Atlantic ports will be delivered by Seatrain Lines, Inc., to the Berwind Lines, Inc., terminal at San Juan. Shipments moving from the Virgin Islands also will be delivered by Berwind Lines, Inc., to Berwind Lines, Inc., terminal at San Juan. Either party may terminate this agreement upon 30 days' return notice to the other party.

The agreement should become effective upon the approval of the Commission pursuant to section 16, Shipping Act, 1916.

Dated: November 25, 1969.

By order of the Federal Maritime Commission.

FRANCIS HURNEY,
Secretary.

[F.R. Doc. 69-14186; Filed, Dec. 1, 1969; 8:45 a.m.]

[Independent Ocean Freight Forwarder License No. 410]

JOSEPH CRAIG & CO.

Order of Revocation

By letter dated October 21, 1969, Joseph Craig & Co., 1020 Realty Building, 24 Drayton Street, Savannah, Ga., was advised that its Independent Ocean Freight Forwarder License No. 410 would be automatically revoked or suspended unless a valid surety bond was filed with the Federal Maritime Commission on or before November 8, 1969.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

Joseph Craig & Co. has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 410 of Joseph Craig Jr., doing business as Joseph Craig & Co., be and is hereby revoked effective November 8, 1969.

It is further ordered, That License No. 410 be returned to the Commission promptly.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Joseph Craig Jr., doing business as Joseph Craig & Co.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-14187; Filed, Dec. 1, 1969; 8:45 a.m.]

[Independent Ocean Freight Forwarder License 1220]

FAR-GO VAN LINES, INC.

Order of Revocation

By letter dated October 21, 1969, Far-Go Van Lines, Inc., Post Office Box 1980, Norfolk, Va. 23501, was advised that its Independent Ocean Freight Forwarder License No. 1220 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before November 9, 1969.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

Far-Go Van Lines, Inc. has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 1220 of Far-Go Van Lines, Inc. be and is hereby revoked effective November 9, 1969.

It is further ordered, That License No. 1220 be returned to the Commission promptly.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Far-Go Van Lines, Inc.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-14188; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket No. 69-13 2d Supp. Order]

U.S. GULF/PUERTO RICO TRADE

General Increases in Rates; Order of Investigation

By original and first supplemental orders in this proceeding served April 11 and May 7, 1969, the Commission entered into an investigation of certain southbound increased rates named on tariff pages listed therein. On October 6, Lykes Bros. Steamship Co., Inc., a respondent in this proceeding, filed with the Federal Maritime Commission, to become effective November 20, 1969, pursuant to Postment Supplement No. 1, revised page No. 23 to its Homeward Tariff FMC-F No. 12 which contains northbound increased rates on tuna fish.

The increases represent a continuation of the carrier's managerial decision to increase rates on an individual basis in lieu of a flat, across-the-board percentage increase. The carrier has advised the Commission that it intends to continue in this manner until its rates have been increased an average of 15 percent.

Upon consideration of said schedule and a protest thereto filed by the Commonwealth of Puerto Rico, the Commission is of the opinion that the above designated increased rates should be included in the investigation in this proceeding to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

First supplemental order in the proceeding issued May 7, 1969, termed this proceeding a general revenue case; and placed all southbound rates, charges, classifications, rules and regulations published in Outward Tariff FMC-F No. 11, and all future changes to the tariff filed during conduct of this proceeding, under investigation to determine the justness and reasonableness of the revised rate structure. Inasmuch as this proceeding is a general revenue case, the Commission is also of the opinion that the carrier's Homeward Tariff FMC-F No. 12 should be included in its entirety in the investigation, and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, the investigation in this proceeding is hereby further expanded to include an investigation into the lawfulness of said northbound increased rates on tunafish with a view to making such findings and orders in the premises as the facts and circumstances warrant.

It is further ordered, That all of the rates, charges, classifications, rules and regulations currently in effect in Homeward Tariff FMC-F No. 12, in addition to amendments thereto already subject to investigation in this proceeding and all future tariff changes filed during the conduct of this investigation be, and they are hereby included in this investigation;

It is further ordered, That (I) a copy of this order be forthwith served upon the respondent and protestant herein and published in the FEDERAL REGISTER; and (II) the said respondent and protestant be duly served with notice of time and place of hearing.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 69-14189; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket No. 69-56]

UNITED STATES LINES, INC., ET AL.

Order for Investigation and Hearing

Agreement No. 9827 between United States Lines, Inc. and Sea-Land Service, Inc. (and Walter Kidde & Co., Inc. and R. J. Reynolds Tobacco Co., guarantors).

Agreement No. 9827, dated October 27, 1969, between United States Lines, Inc. (U.S. Lines), and Sea-Land Service, Inc. (Sea-Land), provides for the time charter of sixteen U.S. Lines containerships now in operation or under construction for a 20-year period to Sea-Land; for the lease and sublease to Sea-Land of certain container equipment used in connection with the chartered ships; for the transfer to Sea-Land of U.S. Lines' offices and facilities in the Far East; and for guarantees of the parties' obligations by their respective parent corporations, Walter Kidde & Co., Inc., and R. J. Reynolds Tobacco Co.

Agreement No. 9827 was filed with the Commission for approval on October 27, 1969, and was published in the FEDERAL REGISTER on October 31, 1969. In the notice, the usual 20-day period was allowed for comments, statements, and protests by interested persons. Protests and requests for hearing were submitted by: Department of Justice, Seatrain Lines, Inc., the Matson Navigation Co., American President Lines and American Mail Lines (jointly) the National Association of Alcoholic Beverage Importers, States Steamship Co., the International Longshoremen's Association, AEIL, the Pacific Far East Lines, and Marshall Safir.

As mentioned in the notice of October 27, both parties enjoy the option of cancelling if "not approved by the [FMC] on or before December 31, 1969, or if it is approved in a form substantially different than as filed."

In view of the protests to the agreement, we do not see how the deadline fixed by the parties can be met. However, we deem it appropriate to order an expedited proceeding, consistent with fairness and adequacy, to develop the issues involved under section 15. Moreover, numerous petitioners have indicated the necessity of having available the Commission discovery procedures. Normally discovery is not freely available until 20 days after the issuance of the Order of Investigation. Since all parties appear to be represented by counsel, we will waive the 20-day period.

Now therefore, pursuant to sections 15 and 22 of the Shipping Act of 1916: *It is ordered*, That an expedited investigation and hearing to be held to determine whether Agreement No. 9827 should be approved, disapproved, or modified pursuant to section 15 of the Act, 1916;

It is further ordered, That the parties of interest address themselves to the following matters which are of particular interest to the Commission, along with all other relevant issues:

(1) Is the pending arrangement the full and complete agreement of all parties to the undertaking;

(2) What are the transportation needs necessitating the arrangements and the derivative benefits to the public of any approval;

(3) The nature, extent, scope, and characteristics of U.S. Line's and Sea-Land's present competing transportation systems;

(4) The impact of approval upon container, break-bulk, commercial, and military movements.

(5) The impact of approval upon labor;

(6) What is the relevant market;

(7) What would the impact of approval be upon proponents' competitors, both U.S. and foreign flag;

(8) What are U.S. Lines' and Sea-Land's future service intentions. Should the agreements be modified by imposing some binding service, commitments or restrictions;

(9) Are other alternatives available to Kidde to divest itself of its transportation operations or to Sea-Land to improve its own operations;

(10) Is the aggregate rental for the vessels and related container equipment in fact payment for the goodwill of U.S. Lines rather than a mere charter arrangement; and

(11) The Commission's jurisdiction over the parties and the subject matter.

It is further ordered, That the parties listed in the appendix attached hereto be made respondents and/or petitioners in this proceeding;

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the hearing examiner;

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents and petitioners;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure (46 CFR 502.201 et seq.), which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) (46 CFR 502.208(a)), which requires leave of the Commission to request admissions of fact and of genuineness of documents if notice thereof is served within 10 days of the commencement of the proceeding, is similarly waived.

It is further ordered, That any person, other than respondents, petitioners, and hearing counsel, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene, in accordance with Rule 5(1), 46 CFR 502.72 of the Commission's rules of practice and procedure, with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 5, 1969, with copies to all parties.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX

A. RESPONDENTS

(1) Walter Kidde & Company, Inc., 675 Main Street, Belleville, N.J. 07109.

(2) R. J. Reynolds Tobacco Co., Winston-Salem, N.C. 27101.

(3) United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

(4) Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.

B. PETITIONERS

(1) Joseph J. Saunders, Esq., U.S. Department of Justice, Washington, D.C. 20530.
Norman H. Seilder, Esq., U.S. Department of Justice, U.S. Court House, Foley Square, New York, N.Y. 10007.

(2) Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

(3) Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105.

(4) States Steamship Co., 320 California Street, San Francisco, Calif. 94104.

(5) National Association of Alcoholic Beverage Importers, 1025 Vermont Avenue NW., Washington, D.C. 20005.

(6) Pacific Far East Line, Inc., 141 Battery Street, San Francisco, Calif. 94111.

(7) International Longshoremen's Association, 17 Battery Place, Room 1530, New York, N.Y. 10004.

(8) Mr. Marshal P. Safir, 41 Flatbush Avenue, Brooklyn, N.Y. 11217.

(9) American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.
American Mail Line, Ltd., 1010 Washington Building, Seattle, Wash. 98010.

(10) American Export Isbrandtsen Lines, 26 Broadway, New York, N.Y. 10004.

[F.R. Doc. 69-14190; Filed, Dec. 1, 1969; 8:45 a.m.]

GREATER BATON ROUGE PORT COMMISSION AND OLIN MATHIESON CHEMICAL CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Frederick B. Lee, Vice President, Olin Mathieson Chemical Corp., 1730 K Street NW., Washington, D.C. 20006.

Agreement No. T-1389-1 between Greater Baton Rouge Port Commission (Port) and Olin Mathieson Chemical Corp. (Olin) is an amendment to a marine terminal lease under which Port has leased a facility to Olin for use as a public marine terminal subject to certain restrictions. The purpose of the amendment is to permit the handling of general cargo at the terminal when Port agrees in writing in advance that such cargo cannot be handled by Port at any other facilities owned or operated by Port.

Dated: November 26, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14224; Filed Dec. 1, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-503 etc.]

AMERICAN PETROFINA COMPANY OF TEXAS AND SHELL OIL CO.

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

NOVEMBER 19, 1969.

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

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 7, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI70-503	American Petrofina Co. of Texas (Operator) et al., Post Office Box 2159, Dallas, Tex. 75221.	[3] 45	4	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tomball Field, Harris County, Tex.) (R.R. District No. 3).	$537	10-20-69	[6] 11-20-69	[5] 11-21-69	[7] 15.558125	[8] 16.561875	
RI70-504	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	[9] 362	4	Southern Natural Gas Co. (Blocks 289, 290, and 295 Main Pass Area and Blocks 62, 65, and 70 South Pass Area, Offshore Louisiana).	54,750	10-20-69	[9] 11-20-69	[6] 11-21-69	[11] [13] [14] 18.5	[10] [11] [12] [13] 20.0	

[3] Contract executed after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and the proposed rate is below the 17-cent initial service ceiling.
[4] The stated effective date is the effective date requested by respondent.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Includes the Texas tax increase which has been filed.
[8] Contract dated Aug. 27, 1968.
[9] The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.
[10] Rate increase filed pursuant to ordering paragraph (A) of Opinion No. 546-A.
[11] Base area rate for the sale of gas well gas for gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[12] Subject to quality adjustments.
[13] Pressure base is 15.025 p.s.i.a.
[14] Initial rate as conditioned by temporary certificate issued Jan. 17, 1969, in Docket No. C169-242 for sales of gas well gas.

The basic contract related to American Petrofina Company of Texas (Operator) et al. (Petrofina), rate filing was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed 16.561875 cents per Mcf rate exceeds the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 3 but does not exceed the initial service of 17 cents per Mcf for the area involved. We believe, in this situation, Petrofina's proposed rate increase should be suspended for 1 day from November 20, 1969, the proposed effective date.

Shell Oil Co.'s (Shell) proposed rate increase from 18.5 cents to 20 cents per Mcf, involves a sale of third vintage gas well gas in Offshore Louisiana and was filed pursuant to Ordering Paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20 cents base rate established in Opinion No. 546 for onshore gas well gas. Shell was issued a conditioned temporary certificate in Docket No. CI69-242 authorizing the collection of the third vintage price established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustments). Deliveries of gas have not as yet commenced thereunder.

Consistent with previous Commission action on similar rate filings, we conclude that Shell's proposed rate increase should be suspended for 1 day from the date of expiration of the statutory notice, or for 1 day from the date of initial delivery, whichever is later. Thereafter, Shell's proposed increased rate may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69-1.

[F.R. Doc. 69-14143; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket No. E-7513]

DUKE POWER CO.

Order Suspending Tendered Rate Schedule Supplements, Instituting Investigation, and Providing for Hearing

NOVEMBER 20, 1969.

This order provides for hearing, suspends for a period of 5 months rate schedule supplements instituting a fuel cost adjustment clause in the filed wholesale rate schedules of Duke Power Co. (Duke), and institutes an investigation into the lawfulness of wholesale for resale rate schedules.

On October 23, 1969, Duke, a public utility subject to the jurisdiction of this Commission, tendered for filing supplements to its jurisdictional rate schedules for service to 58 municipally owned, cooperatively owned and investor owned wholsesale for resale customers.[1] By its tender,[2] Duke proposes to insert a fuel cost adjustment clause in its wholesale rate schedules. That clause would automatically increase Duke's charges when its fossil fuel costs are above 28 cents per million B.t.u. and decrease its charges when those costs drop below 26 cents. Since Duke's present fuel costs are approximately 32 cents per million B.t.u. the proposed filing will result in an immediate rate increase to Duke's wholesale customers of 5.54 percent or approximately $1,650,000 annually.

In support of its filing, Duke notes the rapid rise in the costs of fuel, a cost item which represents more than 50 percent of its total operation and maintenance expenses. Further, Duke states that fuel costs since 1947 have varied and that the tendered fuel cost adjustment clause will produce revenues offsetting those variations of a major expense item. However, Duke's wholesale rate schedules did contain a fuel cost adjustment clause from 1948 until 1963, when Duke eliminated it. The hearing we are ordering herein will permit full consideration of whether Duke is justified in reestablishing a fuel cost adjustment clause at this time.

Forty-four of Duke's wholesale customers have filed protests and petitions to intervene in opposition to Duke's tendered filing. Duke's customers contend that the fuel cost adjustment clause is unjust, unreasonable and unreasonably discriminatory; they request a full cost of service study and hearing concerning Duke's system and a full investigation and hearing concerning the proposed fuel cost adjustment clause. The hearing we are ordering will provide an opportunity to explore the contentions of Duke's wholesale customers.

As noted above, the base cost of fuel above which a charge is made is 28 cents per million B.t.u. Duke's filing reflects its costs of fossil fuel for the month of June 1969 was 29.6 cents. Additionally, Duke estimates that that cost will continue to rise through the year 1969 and, by January 1, 1970, will reach 32.9 cents. Fuel costs are estimated by Duke to average above 32 cents in each of the next 3 years. Under those circumstances, the clause as tendered would result in an immediate rate increase, estimated by Duke to amount to 0.039 cent per kwh for the month of November 1969. The lawfulness of the use of a base cost of 26 cents to 28 cents in the light of current and projected fuel costs is an issue which should be considered on the basis of a full evidentiary record.

The Commission further finds:

(1) The supplements to Duke's rate schedules, identified in Appendix A hereto, may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful under the Federal Power Act.

(2) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, that an investigation be instituted regarding the lawfulness of Duke's wholesale rates and charges; that a public hearing be held on the lawfulness of (a) Duke's proposed supplements to its rate schedules (as identified in App. A) and (b) its jurisdictional rates and charges (also identified in App. A); and that the operation of the proposed rate schedule supplements be suspended and the use thereof deferred, all as hereinafter provided.

The commission orders:

(A) An investigation into the lawfulness of Duke's jurisdictional rates and charges is hereby instituted.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened to commence with a prehearing conference to be held on December 8, 1969, at 10 a.m. e.s.t., at the offices of the Federal Power Commission in Washington, D.C., concerning the lawfulness of Duke's proposed rate schedule supplements and its jurisdictional rates and charges (all as identified in App. A). Further dates for hearing and for filing of prepared testimony shall be set by the presiding examiner at the prehearing conference.

(C) Pending such hearing and decision thereon, Duke's proposed rate schedule supplements (identified in App. A hereto) are hereby suspended and the use thereof deferred until April 23, 1970. On that date, those supplements shall take effect in the manner prescribed by the Federal Power Act, subject to further order of the Commission in this proceeding, subject to Duke's keeping an accurate account in detail of all amounts received by reason of such change in rates and charges, and subject to such refund as the Commission may order—all in accordance with section 205(e) of the Federal Power Act.

(D) Unless otherwise ordered by the Commission, Duke shall not change the terms or provisions of its proposed rate schedule supplements or its present effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

(E) Notice of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before December 5, 1969, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37). Answers to those petitions may be filed on or before December 15, 1969.

By the Commission.

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

[1] Those supplements are designated in App. A, which is attached hereto.

[2] The original but incomplete tender was made on Aug. 27, 1969, with a request to make it effective Nov. 1, 1969. That was completed Oct. 23, 1969.

APPENDIX A

DUKE POWER COMPANY

Fuel Adjustment Clauses, Rate Schedule Designations
Dated: November 1, 1969
Filed: October 23, 1969

Supplement No. to—	Rate schedule No.	Name of customer
1	27	Town of Huntersville, N.C.
2	28	City of High Point, N.C. (Main).
2	29	City of High Point, N.C. (Prospect Rd.).
3	32	City of Lexington, N.C., No. 1.
3	55	Town of Westminister, S.C.
10	131	Blue Ridge EMC (N.C.).
14	133	Cornelius EMC (N.C.).
5	134	Davidson EMC (N.C.).
18	135	Davie EMC (N.C.).
5	136	Haywood EMC (N.C.).
19	137	Pee Dee EMC (N.C.).
5	138	Piedmont EMC (N.C.).
17	139	Rutherford EMC (N.C.).
11	140	Surry-Yadkin EMC (N.C.).
5	141	Union EMC (N.C.).
20	142	Blue Ridge Electric Coop. Inc. (S.C.).
16	143	Broad River Electric Coop., Inc. (S.C.).
10	144	Laurens Electric Coop., Inc. (S.C.).
6	145	Little River Electric Coop., Inc. (S.C.).
20	146	York Electric Coop., Inc. (S.C.).
2	147	Lockhart Power Co. (Union) S.C.
4	155	Town of Bostic, N.C.
3	156	City of Concord, N.C.
3	163	Town of Due West, S.C.
2	169	Lockhart Power Co. (Pacolet, S.C.).
1	172	Town of Granite Falls, N.C.
1	173	City of Lexington, N.C., No. 2.
2	174	Town of Maiden, N.C.
2	176	City of Morganton, N.C., No. 1.
1	178	City of Newton, N.C.
1	179	City of Statesville, N.C.
3	181	City of Easley, S.C.
3	184	Town of Prosperity, S.C.
2	185	The Electric Co. (Fort Mill), S.C.
1	186	Town of Dallas, N.C.
1	197	S. C. Electric & Gas Co. (for town of Chappels, S.C.).
1	198	Kershaw Oil Mill (Kershaw, S.C.).
1	201	Town of Seneca, S.C.
1	202	City of Clinton, S.C.
1	203	Commissioners of Public Works, Gaffney, S.C.
1	212	City of Kings Mountain, N.C.
1	213	University of N.C., Chapel Hill, N.C.
3	215	Town of Drexel, N.C.
2	216	City of Morganton, N.C., No. 2.
1	218	City of Newberry, S.C.
1	220	The Electric Co., Inc. (Fort Mill), S.C., "Hensley Road Delivery".
1	221	Clemson University, Clemson, S.C.
2	222	Com. of Public Works, Laurens, S.C. (Royal).
2	223	Com. of Public Works, Laurens, S.C. (Hampton).
1	224	Town of Cherryville, N.C.
3	225	City of Albemarle, N.C.
5	226	City of Greer, S.C.
10	227	City of Gastonia, N.C., Del. Nos. 1-8.
8	228	City of Rock Hill, S.C., Del. Nos. 1 and 2.
3	229	Town of Lincolnton, N.C.
1	230	Town of Landis, N.C.
5	231	City of Abbeville, S.C.
3	232	Town of Cornelius, N.C.
3	233	Town of Davidson, N.C.
3	234	Town of Pineville, N.C.
8	235	City of Shelby, N.C., Del. Nos. 1-6.
3	236	Heath Springs Light & Power Co. (S.C.).
4	237	Town of Forest City, N.C., Del. Nos. 1 and 2.
4	238	City of Monroe, N.C., Del. Nos. 1 and 2.
12	239	Commissioners of Public Works, Greenwood, S.C.

[F.R. Doc. 69-14144; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket No. G-6528 etc.]

McCULLOCH OIL CORP.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Redesignating Proceedings, and Redesignating FPC Gas Rate Schedules

NOVEMBER 21, 1969.

On August 25, 1969, McCulloch Oil Corp. submitted copies of a Certificate of Amendment of Certificate of Incorporation dated May 8, 1969, to reflect a change in corporate name from McCulloch Oil Corporation of California to McCulloch Oil Corp. with no change in corporate structure. Therefore, the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act will be amended and the related FPC gas rate schedules will be redesignated accordingly. The proceedings in which McCulloch Oil Corporation of California is respondent will be redesignated accordingly.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to McCulloch Oil Corporation of California in the dockets listed in the appendix hereto are amended by changing the name of the certificate holder to McCulloch Oil Corp., and the related FPC gas rate schedules are redesignated accordingly. In all other respects said orders shall remain in full force and effect.

(B) The proceedings listed in the appendix in which McCulloch Oil Corporation of California is a respondent are redesignated to reflect the change in corporate name to McCulloch Oil Corp.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

Docket No.	FPC gas rate schedule No.	Rate suspension Docket No.
G-6528	[1] 1	
G-11161	2	
CI62-1491	[2] 3	
G-18119	[1] 4	RI64-475 and RI69-672.
G-19220	[1] 5	RI64-475 and RI69-672.
CI61-299	[1] 6	RI64-475 and RI69-672.
CI61-564	[1] 7	RI64-475 and RI69-652.
CI61-1184	[1] 8	RI64-475 and RI69-672.
CI62-197	[1] 9	RI64-475 and RI69-672.
CI62-579	[1] 10	RI64-475 and RI69-672.
CI62-598	[1] 11	RI64-475 and RI69-672.
CI64-271	[1] 12	RI64-475 and RI69-672.
CI64-270	[1] 13	RI64-475 and RI69-672.
CI61-1523	14	RI69-671.
CI65-280	15	RI69-671.

[1] "(Operator) et al."
[2] "et al."

[F.R. Doc. 69-14145; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket No. RI70-505]

MIDWEST OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 20, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

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

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before January 8, 1970.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI70-505..	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	[2] 44	1	Cities Service Gas Co. (Aetna Field, Barber and Comanche Counties, Kans.).	$15,120	10-27-69	[3] 12-22-69	[4] 12-23-69	[7] 14.0	[5] [7] 15.0	

[2] Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and proposed rate does not exceed area initial rate ceiling.
[3] The stated effective date is the effective date requested by respondent.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.

The contract related to Midwest Oil Corp.'s (Midwest) rate filing was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed 15 cents per Mcf rate exceeds the area increased rate ceiling of 11 cents per Mcf for Kansas but does not exceed the initial service ceiling of 16 cents per Mcf for the area involved. We believe, in this situation, Midwest's proposed rate increase should be suspended for 1 day from December 22, 1969, the proposed effective date.

[F.R. Doc. 69-14146; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket Nos. RI70-541 etc.]

EDWIN L. COX AND TEXAS PACIFIC OIL CO., INC.

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

NOVEMBER 21, 1969.

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

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 8, 1970.

By the Commission.

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

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI70-541..	Edwin L. Cox	70	2	Panhandle Eastern Pipe Line Co	[3] 10-23-69	[4] 10- 1-69	[5] 10- 2-69	17.0	[6] [7] 17.06375	
	Edwin L. Cox	74	2	Northern Natural Gas Co	10-23-69	[4] 10- 1-69	[5] 10- 2-69	19.38	[6] [7] 19.45375	
RI70-542..	Texas Pacific Oil Co., Inc.	88	2	Natural Gas Pipeline Co. of America.	10-24-69	[4] 10- 1-69	[5] 10- 2-69	17.0	[6] [7] 17.0638	

[3] Filing corrected by filing received on Nov. 3, 1969.
[4] Request for wavier of notice granted. The stated effective date is the effective date of the tax increase enacted by the State of Texas.
[5] The suspension period is limited to 1 day.
[6] Tax reimbursement increase.
[7] Pressure base is 14.65 p.s.i.a.

The proposed rate increases herein reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. The proposed rates herein exceed the area increased rate ceiling for Texas Railroad District No. 10 as announced in the Commission's Statement of General Policy No. 61–1, as amended.

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from October 1, 1969, the effective date of the tax increase enacted by the State of Texas.

[F.R. Doc. 69–14147; Filed, Dec. 1, 1969; 8:45 a.m.]

[Docket No. RI70–284 etc.]

MOBIL OIL CORP.

Hearing Regarding Rates; Correction

NOVEMBER 19, 1969.

Mobil Oil Corp., Docket No. RI70–284 etc. and Docket No. RI70–284.

In the order providing for hearing on and suspension of proposed changes in rates, allowing rate changes to become effective subject to refund and accepting proposed changes in rates subject to refund in existing suspension proceeding, issued October 15, 1969, and published in the FEDERAL REGISTER October 25, 1969, 34 F.R. 17349, Appendix A, line 1, Docket No. RI70–284, *Mobil Oil Corporation*, under column headed "Rate in Effect Subject to Refund in Docket Nos.", delete "RI67–272". Appendix B (opposite Supplement No. 20 to Mobil Oil Corp.'s FPC Gas Rate Schedule No. 47): Under column headed "Rate in Effect Subject to Refund in Docket Nos.", change "RI67–273" to read "RI67–272".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–14193; Filed, Dec. 1, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CONNECTICUT BANK AND TRUST CO.

Order Approving Merger of Banks

In the matter of the application of the Connecticut Bank and Trust Co. for approval of merger with the Tradesmens National Bank of New Haven.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by the Connecticut Bank and Trust Co., Hartford, Conn., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that Bank and the Tradesmens National Bank of New Haven, New Haven, Conn., under the charter and name of the Connecticut Bank and Trust Co. As an incident to the merger, the four offices of the Tradesmens National Bank of New Haven would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered for the reasons set forth in the statement[1] of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Boston pursuant to delegated authority.

Dated at Washington, D.C., this 24th day of November 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–14217; Filed, Dec. 1, 1969; 8:47 a.m.]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank Shares of Bank Holding Company

In the matter of the application of First at Orlando Corp., Orlando, Fla., for approval of acquisition of all of the voting shares (except directors' qualifying shares) of Central Part First National Bank, Orlando, Fla., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First at Orlando Corp., Orlando, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of all of the voting shares (except directors' qualifying shares) of Central Park First National Bank, Orlando, Fla., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Acting Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 24, 1969 (34 F.R. 9773), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority, and that Central Park First National Bank shall be opened for business not later than 6 months after the date of this order.

Dated at Washington, D.C., this 24th day of November 1969.

By order of the Board of Governors,[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–14218; Filed, Dec. 1, 1969; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

INTERSTATE COMMERCE COMMISSION

[Ex Parte 262]

INCREASED FREIGHT RATES, 1969

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 25th day of November 1969.

It appearing, that, having before it certain tariff schedules publishing proposed increases in freight rates and charges generally in the amount of 6 percent, to become effective November 18, 1969, the Commission by order entered November 17, 1969, instituted an investigation into:

(1) The lawfulness under all sections of the Interstate Commerce Act of the said schedules insofar as they apply to, from, and between points on the Long Island Rail Road Co.; and

(2) Except as embraced by (1), the lawfulness of the said schedules, limited to issues which may involve discrimination, preference, or prejudice proscribed by sections 2 and 3 of the Act;

It is ordered, That the following special rules of practice shall apply to such investigation:

(a) *Verified statements of evidentiary facts.* All evidence material and pertinent to the issues above set forth (except

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Dissenting statement of Governors Robertson and Maisel, also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Daane, Brimmer, and Sherrill. Voting against this action: Governors Robertson and Maisel.

oral cross-examination and rebuttal related thereto) shall be submitted in the form of verified statements (affidavits), with or without attached appendices. Each such verified statement shall be signed in ink by the affiant and verified (notarized) in the manner provided by Rule 50 and Form No. 6 of the Commission's general rules of practice. The post office address of the affiant or his counsel shall be shown.

(b) *Certificate of service.* Each verified statement shall contain a certificate of service stating that it has been timely served on opposing parties, as herein provided; and verified statements not so served will not be considered.

(c) *Argument.* Argument in support of an affiant's position may be included in a separate section of the document containing the verified statement, or in a separate document simultaneously filed and served.

(d) *Filing and service by protestants.* Parties opposing the tariff schedules under investigation shall file and serve their verified statements and accompanying arguments, if any, on or before January 5, 1970; and, if mailed, they shall be mailed in time to be received by that date. The original and 24 copies of each such document for the use of the Commission shall be sent to Mr. H. Neil Garson, Secretary, Interstate Commerce Commission, Washington, D.C. 20423. At the same time, single copies shall be sent to each of the cooperating State Commissioners listed in the appendix hereto. And 25 copies shall be served upon Mr. Edward A. Kaier, 527 American Railroads Building, 1920 L Street NW., Washington, D.C. 20036, which shall constitute service upon all respondents. Copies shall be furnished to any interested party upon request addressed to the affiant or his counsel.

(e) *Filing and service by respondents.* Verified statements and arguments, if any, by respondents in reply to those submitted by protestants, shall in like manner be filed with the Commission and the cooperating Commissioners, and served on those protestants, on or before February 4, 1970, and furnished to any interested party upon request.

(f) *Voluntary abatement of unlawfulness.* In the interest of limiting the issues requiring further proceedings, respondents' reply documents may contain statements of the extent, if any, to which respondents are agreeable voluntarily to abate any alleged unlawfulness specified in protestants' documents.

(g) *Documents previously submitted.* Protests, replies thereto, and oral and written arguments heretofore submitted in this proceeding will not be further considered, except to the extent they are resubmitted as provided in this order.

(h) *Requests for cross-examination.* Parties desiring to cross-examine affiants regarding facts contained in their verified statements must give notice in writing to each such affiant, and to his counsel if any be indicated, on or before February 16, 1970; and a copy of such notice must be sent to the Secretary of the Commission.

(i) *Hearings.* Hearings for the purposes of cross-examination and rebuttal, where there is a genuine dispute as to a material fact, will be held at times and places to be hereafter fixed.

(j) *Service of orders and notices.* Future orders and notices of the Commission in this proceeding will be sent only to those parties participating as herein provided, and to those other interested persons who specifically request to be included on the service list.

(k) *Communications.* Communications concerning this order or this proceeding should be addressed to Mr. H. Neil Garson, Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

And it it further ordered, That a copy of this order be filed with the Director, Office of the Federal Register for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

APPENDIX

COOPERATING STATE COMMISSIONERS

The Honorable C. C. Owen, Commissioner, Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala. 36102.

The Honorable Charles J. Fain, Commissioner, Missouri Public Service Commission, Jefferson Building, Jefferson City, Mo. 65102.

The Honorable William E. Ozzard, Commissioner, New Jersey Board of Public Utility Commissioners, 101 Commerce Street, Newark, N.J. 07102.

The Honorable Robert D. Timm, Chairman, Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash. 98501.

[F.R. Doc. 69-14245; Filed, Dec. 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 72, Amdt. 1]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 72, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 72 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-14246; Filed, Dec. 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 71, Amdt. 1]

KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution Direction

Upon further consideration of Car Distribution Direction No. 71, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 71 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-14247; Filed, Dec. 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 74, Amdt. 1]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 74, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 74 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under

the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14248; Filed, Dec. 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 67, Amdt. 2]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 67, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 67 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14249; Filed, Dec. 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 77]

READING CO. ET AL.

Car Distribution

Reading Co., Western Maryland Railway Co., Baltimore & Ohio Railroad Co., Chicago, Rock Island & Pacific Railroad Co.

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1092.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Reading Co. shall deliver to the Western Maryland Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) The Western Maryland Railway Co. shall deliver to the Baltimore & Ohio Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(c) The Baltimore & Ohio Railroad Co. shall deliver to the Chicago, Rock Island & Pacific Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(d) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(e) The carriers receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., December 1, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

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

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14250; Filed, Dec. 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 70, Amdt. 1]

ST. LOUIS-SAN FRANCISCO RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 70, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 70 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14251; Filed, Dec. 1, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 66, Amdt. 2]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., Chicago, Rock Island & Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 66, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 66 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14252; Filed, Dec. 1, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 73, Amdt. 1]

SOUTHERN PACIFIC CO. AND NORTHERN PACIFIC RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 73, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 73 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14253; Filed, Dec. 1, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 69 Amdt. 1]

SOUTHERN RAILWAY CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 69, and good cause appearing therefor:

It is ordered, That: Car Distribution Direction No. 69 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., December 14, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C. November 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14254; Filed, Dec. 1, 1969; 8:49 a.m.]

[Notice 947]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 25, 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 11207 (Sub-No. 293 TA), filed November 19, 1969. Applicant: DEATON, INC., 317 Avenue West (Ensley), Birmingham, Ala. 35218. Applicant's representative: J. Carl Preston (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and components and cast iron fire hydrants*, from Birmingham, Ala., and points within 10 miles of Birmingham, to points in Arkansas and Oklahoma, for 180 days. Supporting shipper: American Cast Iron Pipe Co., Post Office Box 2603, Birmingham, Ala. 35202, Attention: Walter M. Boyce, Traffic Manager. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 85465 (Sub-No. 24 TA), filed November 19, 1969. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* (except commodities in bulk, in tank vehicles), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 67 M.C.C. 209 and 766, from Scottsbluff, Nebr., to Miami, Fla., for 120 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 107295 (Sub-No. 250 TA), filed November 19, 1969. Applicant: PREFAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe, bituminous fiber, and accessories thereto*, from West Bend, Wis., to points in Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Fibre Products Division, McGraw-Edison Co., Post Office Box 238, West Bend, Wis. 53095. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 111545 (Sub-No. 126 TA), filed November 19, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and components and cast iron fire hydrants*, from Birmingham, Ala., to points in Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Georgia, North Carolina, South Carolina, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine, for 180 days. Supporting shipper: American Cast Iron Pipe Co., Post Office Box 2603. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 125844 (Sub-No. 14 TA), filed November 19, 1969. Applicant: BIO-MED-HU, INC., 8603 Preston Highway, Louisville, Ky. 40219. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood and derivatives of blood, which includes plasma*, from points in Bullitt and Jefferson Counties, Ky., to Memphis, Tenn., points in Kankakee County, Ill., and points in California, for 180 days. Supporting shipper: Gilbert G. Rossner, President, American Blood Components, Inc., 118 Jefferson Avenue, Memphis, Tenn. 38103. Send protests to: Wayne L.

Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 126676 (Sub-No. 2 TA), filed November 19, 1969. Applicant: JERRY STEVENS, 1315 Buckeye, Coffeyville, Kans. 67337. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green hides*, from Coffeyville, Kans., and Pittsburg, Kans., to Springfield, Mo., return from Springfield, Mo. to Coffeyville, Kans., for 180 days. NOTE: Applicant has been hauling green hides to Joplin, Mo., the shipper is changing operations so hides must now be transported to Springfield, Mo. Supporting shipper: E. W. Biggs & Co., 405 North Washington, Springfield, Mo. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128075 (Sub-No. 8 TA), filed November 19, 1969. Applicant: LEON JOHNSRUD, 757 Second Street West, Cresco, Iowa 52136. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from points in Mille Lacs, Houston and Wabasha Counties, Minn., and points in Buffalo, Crawford, and La Crosse Counties, Wis., to Chester, Iowa, for 150 days. Supporting shipper: J. R. Inc., Chester, Iowa 52134. Send protests to: District Supervisor, Chas. C. Biggers, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 134138 (Sub-No. 1 TA) (Correction), filed November 5, 1969, published FEDERAL REGISTER, issue of November 15, 1969, and republished as corrected this issue. Applicant: ALVIN B. HARRISON, JR., doing business as LAND-AIR FREIGHT, 1420 Southland Avenue, Oshkosh, Wis. 54901. Applicant's representative: Russell F. Williams, Post Office Box 1067, 504 Algoma Boulevard, Oshkosh, Wis. 54901. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to operations moving on airbills of lading, and having prior or subsequent movement by air, between Wittman Field, Oshkosh, Wis., and Mitchell Field, Milwaukee, Wis., from Oshkosh over U.S. Highway 41 to junction U.S. Highway 45 and Wisconsin Highway 100, thence over U.S. Highway 45 and Wisconsin Highway 100, to junction Interstate Highway 94, and thence over Interstate Highway 94 to Layton Avenue, thence over Layton Avenue to Howell Avenue, and thence over Howell Avenue to Mitchell Field, serving no intermediate points. Return from Mitchell Field over Howell Avenue to junction Layton Avenue, thence over Layton Avenue to junction Interstate Highway 894, thence over Interstate Highway 894 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 41, and thence over U.S. Highway 41 to Oshkosh, serving no intermediate points, for 150 days. NOTE: The purpose of this republication is to set forth the regular route proposed, inadvertently omitted from previous publication. Supporting shipper: North Central Airlines, Inc., 6201 34th Avenue South, Minneapolis, Minn. 55450 (John S. Minerick, Manager, Cargo Administration). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

MOTOR CARRIER OF PASSENGERS

No. MC 39491 (Sub-No. 12 TA), filed November 7, 1969. Applicant: COLONIAL COACH CORP., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers; (1) between junction U.S. Highway 13 and Pennsylvania Highway 63 in Bensalem Township, Pa., and Liberty Bell Park Race Track, Philadelphia, Pa., serving no intermediate points; from junction U.S. Highway 13 and Pennsylvania Highway 63 over Pennsylvania Highway 63 to the Bucks County-Philadelphia boundary lines and thence over Philadelphia city streets to Liberty Bell Park Race Track, and return over the same route; (2) between New York, N.Y. and the New Jersey Turnpike at or about, Exit No. 16, serving no intermediate points; (a) from New York, N.Y. over the George Washington Bridge to U.S. Highway 46 thence over U.S. Highway 46 to the New Jersey Turnpike and thence to a point on the New Jersey Turnpike at or about Exit No. 16, and return over the same route; (b) from New York, N.Y. through the Lincoln Tunnel to the roadway between Exit 16 of the New Jersey Turnpike and the entrance to the Lincoln Tunnel, thence over said roadway to the New Jersey Turnpike at Exit 16, and return over the same route, for 150 days. NOTE: The aforementioned regular routes are to be tacked to applicant's existing regular route authorized in MC 39491, and restricted to the transportation of passengers to and from Liberty Bell Park Race Track, Philadelphia, Pa. Supporting shippers: There are approximately 59 names of passengers on file at the Newark, N.J., field office named below; or copies thereof which may be examined at the Commission's offices in Washington, D.C. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14176; Filed, Nov. 28, 1969; 8:47 a.m.]

FEDERAL REGISTER

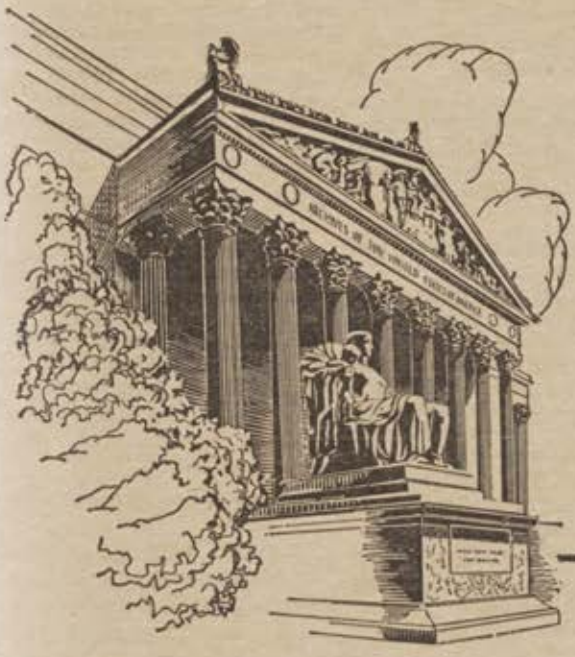
VOLUME 34 • NUMBER 230

Tuesday, December 2, 1969 • Washington, D.C.

PART II

Administrative Committee of the Federal Register

Federal Register Regulations



Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

REPUBLICATION OF CHAPTER, AS AMENDED

The regulations of the Administrative Committee of the Federal Register contained in Chapter I of Title I, Code of Federal Regulations, are hereby republished by order of the Committee. The regulations are republished to conform authority citations and internal references to title 5 and title 44 of the United States Code, as enacted into positive law. In addition, minor changes have been made to reflect relocation of the Office of the Federal Register and to bring other informational matters up to date.

The republication as set forth below contains no substantive changes.

Subchapter A—General

Part
1 General information.
2 Services to the public.
3 Services to Federal agencies.
4 Agency representatives.

Subchapter B—Presidential Proclamations and Executive Orders

7 Preparation, presentation, filing, and publication of Executive orders and proclamations.

Subchapter C—The Federal Register

10 General.
11 Mandatory, authorized, and prohibited publication.
12 Publication schedules.
13 Order of arrangement in the FEDERAL REGISTER.
14 Indexes and ancillaries.
15 Distribution of FEDERAL REGISTER.
16 Preparation and transmittal of documents generally.
17 Preparation of documents subject to codification.
18 Preparation of notices and rule making proposals.
20 Incorporation by reference.

Subchapter D—Special Editions of the Federal Register

30 Code of Federal Regulations.
31 U.S. Government Organization Manual.
32 Presidential papers.

Subchapter E—Definitions

40 Meaning of terms in this chapter.

SUBCHAPTER A—GENERAL

PART 1—GENERAL INFORMATION

Sec.

1.0 Scope and purpose.
1.1 Administrative Committee of the Federal Register.
1.2 Office of the Federal Register; location, hours.
1.3 General authority of Director, Office of of the Federal Register.
1.4 Publication of statutes, rules, and related documents.
1.5 Availability of Federal Register publications.

AUTHORITY: The provisions of this Part 1 issued under 44 U.S.C. 1506, Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 1.0 Scope and purpose.

This chapter sets forth the procedures, policies, determinations, and delegations whereby the Administrative Committee of the Federal Register carries out its general responsibilities under the Federal Register Act (44 U.S.C. Ch. 15). One of the primary purposes of this chapter is to inform the public of the nature and uses of Federal Register publications. Interested persons should consider not only the provisions of this part and Part 2 of this subchapter but also should read related provisions directed principally to the agencies of the Federal Government. These latter provisions develop details and assist the user in taking full advantage of the protection and services afforded under the Federal Register Act.

§ 1.1 Administrative Committee of the Federal Register.

The Administrative Committee of the Federal Register, established by 44 U.S.C. 1506, consists of the Archivist or Acting Archivist of the United States, who is chairman of the Committee, an officer of the Department of Justice, designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Office of the Federal Register serves as secretary of the Committee. All materials required by law to be filed with the Committee, and all correspondence, inquiries, and other communications intended for the Committee shall be directed to the Director at the Office of the Federal Register.

§ 1.2 Office of the Federal Register; location, hours.

The Office of the Federal Register is a component of the National Archives and Records Service of the General Services Administration. The Office is located at 633 Indiana Avenue NW., Washington, D.C. Office hours are from 8:45 a.m. to 5:15 p.m., Monday through Friday except official Federal holidays.

§ 1.3 General authority of Director, Office of the Federal Register.

The Director is authorized to administer generally the provisions of this chapter, the related provisions of the Federal Register Act, and the pertinent provisions of acts and rules contemplated by 44 U.S.C. 1505.

§ 1.4 Publication of statutes, rules, and related documents.

The Office of the Federal Register is responsible for the central filing of the original acts comprising the laws enacted by the Congress, and the original documents comprising the public rules and notices issued pursuant to those laws by the executive branch of the United States Government. From these original acts and documents, the Office publishes the *slip laws*, the *United States Statutes at Large*, the daily FEDERAL REGISTER, and the *Code of Federal Regulations*. From related official source material, the Office also publishes the *United States Government Organization Manual*, the *Public Papers of the Presidents of the United States*, and the *Weekly Compilation of Presidential Documents*.

§ 1.5 Availability of Federal Register publications.

The publications described in § 1.4 are printed by the Government Printing Office and may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. These publications are not available for free distribution to members of the public at large (see § 2.5 of this chapter).

PART 2—SERVICES TO THE PUBLIC

Sec.

2.1 Inquiries and correspondence.
2.2 Information service.
2.3 Public inspection of documents.
2.4 Reproductions and certified copies of acts and documents.
2.5 Subscription and sale of publications.

AUTHORITY: The provisions of this Part 2 issued under 44 U.S.C. 1506, Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954—1958 Comp.

§ 2.1 Inquiries and correspondence.

Inquiries and other correspondence should be addressed to the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

§ 2.2 Information service.

Information concerning the publications described in § 1.4 of this chapter and concerning the original acts and documents filed with the Office of the Federal Register will be given freely by the Office on request, unless the time required to provide that information would be excessive. Staff members of the Office will not undertake to summarize or interpret substantive text of any law or document.

§ 2.3 Public inspection of documents.

Current documents filed with the Office pursuant to law are open to public inspection in the Office of the Federal Register, Room 405, 633 Indiana Avenue NW., Washington D.C., during the working day. There are no formal inspection requirements or procedures. Manual, typewritten, or other copies of excerpts may be made freely at the inspection desk.

§ 2.4 Reproductions and certified copies of acts and documents.

The furnishing of reproductions of acts and documents and the preparation and attachment of authentication certificates are governed by the rules covering the public use of records in the National Archives (41 CFR Part 105–61). In general, the rules provide for the advance payment of appropriate fees for reproduction services and for certifying reproductions.

§ 2.5 Subscription and sale of publications.

Federal Register publications are available through subscription or sale to members of the public at large. Provisions governing subscription and sale are as follows:

(a) *Slip laws.* See section 709, title 44 of the United States Code.

NOTE: Orders for individual copies of public slip law prints or annual subscription to such prints are handled by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(b) *U.S. Statutes at Large.* See section 728, title 44 of the United States Code.

NOTE: Orders are handled by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Price of volume varies with each session of Congress.

(c) *Federal Register.* See §§ 15.10 and 15.11 of this chapter.

(d) *Code of Federal Regulations.* See §§ 30.16 and 30.17 of this chapter.

(e) *U.S. Government Organization Manual.* See § 31.26 of this chapter.

(f) *Public Papers of the Presidents of the United States.* See § 32.22 of this chapter.

(g) *Weekly Compilation of Presidential Documents.* See § 32.50 of this chapter.

PART 3—SERVICES TO FEDERAL AGENCIES

Subpart A—General
3.1 General cooperation.
3.2 Information service.
3.3 Submission of documents.
3.4 Informal staff assistance.
3.5 Reproductions and certified copies of acts and documents.
3.6 Official subscriptions and requisitions of Federal Register publications.

Subpart B—Special Assistance
3.10 Information on document drafting and publication assistance.
3.11 Programs of technical instruction.

Subpart C—Supplementary Printing and Editorial Services
3.15 Purpose.
3.16 Use of Federal Register standing type.
3.17 Overruns of Federal Register publications.
3.18 Special editorial service.
3.19 Supplementary loose-leaf services.

AUTHORITY: The provisions of this Part 3 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

Subpart A—General

§ 3.1 General cooperation.

The Director stands ready to cooperate fully with all agencies having business with the Office in order to assist such agencies in complying with pertinent publication laws and to assure efficient public service in the promulgation of administrative documents having the effect of law or of legal notice.

§ 3.2 Information service.

The Office of the Federal Register stands ready to answer all appropriate inquiries presented in person, by telephone, or in writing. All written communications and all matters involving classified material or involving the Administrative Committee should be presented to the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

§ 3.3 Submission of documents.

Documents authorized or required by law to be filed with the Office or published in the FEDERAL REGISTER or filed with the Administrative Committee shall be presented to the Director.

§ 3.4 Informal staff assistance.

The Office of the Federal Register is prepared to give informal assistance and advice to officials of the various agencies with respect to general or specific problems of rule drafting, rule making procedures, and promulgation practices.

§ 3.5 Reproductions and certified copies of acts and documents.

Reproductions or certified copies of original acts and documents filed with the Office which are required for official use ordinarily will be furnished by the Director on request without charge. In cases involving voluminous material or numerous copies, the requesting agency may be required to reimburse the cost of reproduction.

§ 3.6 Official subscriptions and requisitions of Federal Register publications.

The availability for official use of the Federal Register publications described in § 1.4 of this chapter varies with the nature of each publication. Provisions governing official distribution are as follows:

(a) *Slip laws.* See section 709, title 44 of the United States Code.

NOTE: Single copies may be obtained from the House or Senate Document Room, United States Congress. Quantity overruns of one or all of the slip laws may be obtained by timely submission of a requisition (Standard Form 1) to the Government Printing Office, Washington, D.C. 20402.

(b) *U.S. Statutes at Large.* See section 728, title 44 of the United States Code.

NOTE: Written request for official copies should be directed to the Joint Committee on Printing, United States Capitol, Washington, D.C. 20510.

(c) *Federal Register.* See §§ 15.3 to 15.8 of this chapter.

(d) *Code of Federal Regulations.* See §§ 30.12 to 30.15 of this chapter.

(e) *U.S. Government Organization Manual.* See §§ 31.21 to 31.26 of this chapter.

(f) *Public Papers of the Presidents of the United States.* See §§ 32.15 to 32.19 of this chapter.

(g) *Weekly Compilation of Presidential Documents.* See § 32.40 of this chapter.

Subpart B—Special Assistance

§ 3.10 Information on document drafting and publication assistance.

The Director is authorized to prepare and distribute to agencies information and instructions designed to promote effective compliance with the purposes of the Federal Register Act, related statutes, and the rules prescribed in this chapter.

§ 3.11 Programs of technical instruction.

The Director is authorized to develop and conduct programs of technical instruction for the benefit of agencies. Programs shall be designed to explain and supplement the written materials distributed pursuant to § 3.10.

Subpart C—Supplementary Printing and Editorial Services

§ 3.15 Purpose.

The Director is authorized to provide special services to agencies to promote efficiency and economy through the use of printing and editorial facilities developed in editing and publishing the FEDERAL REGISTER and the Code of Federal Regulations.

§ 3.16 Use of Federal Register standing type.

Type used in printing the FEDERAL REGISTER is normally available for reuse by agencies in making reprints on their own requisition. Printing and binding requisitions (Standard Form 1) shall be submitted to the Office for forwarding to the Government Printing Office.

§ 3.17 Overruns of Federal Register publications.

To meet requirements for special distribution in substantial quantity, agencies may requisition overruns of any Federal Register publication by the timely submission of a printing and binding requisition (Standard Form 1) to the Government Printing Office. Detailed information regarding quantity overruns of each specific publication is provided in this chapter under § 3.6 (slip laws, U.S. Statutes at Large); §§ 15.6 and 15.7 (FEDERAL REGISTER); § 30.15 (Code of Federal Regulations); § 31.25 (U.S. Government Organization Manual); § 32.18 (Public Papers of the Presidents of the United States); and § 32.40 (Weekly Compilation of Presidential Documents).

§ 3.18 Special editorial service.

The Office is prepared to compile and collate Code units as of a given date in order to assist the issuing agency in preparing a document for publication in the FEDERAL REGISTER. Requests for this service may be made to the Office informally.

§ 3.19 Supplementary loose-leaf services.

The Director is authorized to cooperate with agencies in developing supplementary loose-leaf services covering special areas in which the need is sufficient to justify any added costs.

PART 4—AGENCY REPRESENTATIVES

Sec.
4.1 Designation.
4.2 Notification of designation.
4.3 Liaison duties.
4.4 Certifying duties.
4.5 Authorizing duties.

AUTHORITY: The provisions of this Part 4 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 4.1 Designation.

Each agency shall designate representatives to serve in the following-described capacities in relation to the Office of the Federal Register:

Liaison officer and alternate.
Certifying officer and alternate.
Authorizing officer and alternate.

§ 4.2 Notification of designation.

Every agency shall notify the Director in writing of the name, title, address, and telephone extension of each agency representative designated in compliance with § 4.1. Whenever a change in representation is made by an agency, prompt notification thereof shall be given in writing to the Director.

§ 4.3 Liaison duties.

The liaison officer shall represent his agency in all matters relating to the submission of documents to the Office and respecting general compliance with the provisions of this chapter. He also shall be responsible for the effective distribution and use within his agency of Federal Register information on document drafting and publication assistance authorized by § 3.10 of this chapter, and for promoting his agency's participation in the programs of technical instruction authorized by § 3.11 of this chapter. Additional liaison duties, with respect to the U.S. Government Organization Manual, are described in § 31.12 of this chapter.

§ 4.4 Certifying duties.

The certifying officer shall be responsible for the attachment of the required number of true copies to all original documents submitted by his agency to the Office and for affixing his certification, as provided by §§ 16.6 and 16.7 of this chapter.

§ 4.5 Authorizing duties.

The authorizing officer shall be responsible for furnishing the Director with a current mailing list of individuals or offices authorized under the provisions of this chapter to receive for official use the FEDERAL REGISTER, the Code of Federal Regulations, and the Weekly Compilation of Presidential Documents.

SUBCHAPTER B—PRESIDENTIAL PROCLAMATIONS AND EXECUTIVE ORDERS

PART 7—PREPARATION, PRESENTATION, FILING, AND PUBLICATION OF EXECUTIVE ORDERS AND PROCLAMATIONS

Sec.
7.1 Form.
7.2 Routing and approval of drafts.
7.3 Routing and certification of originals and copies.
7.4 Proclamations calling for the observance of special days or events.
7.5 Proclamations of treaties excluded.
7.6 Definition.

NOTE: The provisions of this Part 7 are derived from sections 1 to 6 of Executive Order 11030, 27 F.R. 5847, 3 CFR, 1959–1963 Comp. p. 3 and E.O. 11354, 32 F.R. 7695, 1967 Comp., p. 288.

CROSS REFERENCE: For provisions respecting publication of Presidential documents in the Code of Federal Regulations, see § 30.8 of this chapter.

§ 7.1 Form.

Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) The order or proclamation shall be given a suitable title.

(b) The order or proclamation shall contain a citation of the authority under which it is issued.

(c) Punctuation, capitalization, spelling, and other matters of style shall, in general, conform to the most recent edition of the United States Government Printing Office Style Manual.

(d) The spelling of geographic names shall conform to the decisions of the Board on Geographic Names, established by section 2 of the act of July 25, 1947, 61 Stat. 456 (43 U.S.C. 364a).

(e) Descriptions of tracts of land shall conform, so far as practicable, to the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," prepared by the Bureau of Land Management, Department of the Interior.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 x 13 inches, shall have a left-hand margin of approximately 1½ inches and a right-hand margin of approximately 1 inch, and shall be double-spaced except that quotations, tabulations, and descriptions of land may be single-spaced.

(g) Proclamations issued by the President shall conclude with the following-described recitation:

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, in the year of our Lord _____, and of the Independence of the United States of America the _____.

§ 7.2 Routing and approval of drafts.

(a) A proposed Executive order or proclamation shall first be submitted, with seven copies thereof, to the Director of the Bureau of the Budget, together with a letter, signed by the head or other properly authorized officer of the originating Federal agency, explaining the nature, purpose, background, and effect of the proposed Executive order or proclamation and its relationship, if any, to pertinent laws and other Executive orders or proclamations.

(b) If the Director of the Bureau of the Budget approves the proposed Executive order or proclamation, he shall transmit it to the Attorney General for his consideration as to both form and legality.

(c) If the Attorney General approves the proposed Executive order or proclamation, he shall transmit it to the Director of the Office of the Federal Register, National Archives and Records Service, General Services Administration: *Provided*, That in cases involving sufficient urgency the Attorney General may transmit it directly to the President; *And provided further*, That the authority vested in the Attorney General by this section may be delegated by him, in whole or in part, to the Deputy Attorney General, Solicitor General, or to such Assistant Attorney General as he may designate.

(d) After determining that the proposed Executive order or proclamation conforms to the requirements of § 7.1 and is free from typographical or clerical error, the Director of the Office of the Federal Register shall transmit it and three copies thereof to the President.

(e) If the proposed Executive order or proclamation is disapproved by the Director of the Bureau of the Budget or by the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by a statement of the reasons for such disapproval.

§ 7.3 Routing and certification of originals and copies.

(a) If the order or proclamation is signed by the President, the original and two copies shall be forwarded to the Director of the Office of the Federal Register for publication in the FEDERAL REGISTER.

(b) The Office of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations forwarded as provided in paragraph (a) of this section the following notation, to be signed by the Director or by some person authorized by him to sign such notation: "Certified to be a true copy of the original."

§ 7.4 Proclamations calling for the observance of special days or events.

Except as may be otherwise provided by law, responsibility for the preparation and presentation of proposed proclamations calling for the observance of special days, or other periods of time, or events shall be assigned by the Director of the Bureau of the Budget to such agencies as he may consider appropriate. Such proposed proclamations shall be submitted to the Director at least 60 days before the date of the specified observance.

§ 7.5 Proclamations of treaties excluded.

Consonant with the provisions of the Federal Register Act (44 U.S.C. 1511), nothing in this order shall be construed to apply to treaties, conventions, protocols, or other international agreements, or proclamations thereof by the President.

§ 7.6 Definition.

The term "Presidential proclamations and Executive orders," as used in the Federal Register Act (44 U.S.C. 1505(a)), shall, except as the President or his representative may hereafter otherwise direct, be deemed to include such attachments thereto as are referred to in the respective proclamations or orders.

SUBCHAPTER C—THE FEDERAL REGISTER

PART 10—GENERAL

Sec.
10.1 Publication policy.
10.2 Daily publication.
10.3 Keying to Code of Federal Regulations.
10.4 Form of citation.
10.5 Unrestricted use.

AUTHORITY: The provisions of this Part 10 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 10.1 Publication policy.

(a) Pursuant to the act and the provisions of this chapter, the Office shall maintain a serial publication designated as the "FEDERAL REGISTER." It is the intent of the Administrative Committee that documents required or authorized to be filed for publication shall be published in the FEDERAL REGISTER as promptly as possible within limitations imposed by considerations of accuracy, usability, and reasonable costs.

(b) In prescribing rules governing headings, preambles, effective dates, authority citations, and similar matters of form, the Administrative Committee does not intend such rules to be construed as bearing on the validity of any document which is, in fact, filed and published under law.

§ 10.2 Daily publication.

The FEDERAL REGISTER shall be published daily Tuesday through Saturday. There shall be no publication on Sunday, Monday, or on the day after an official Federal holiday.

§ 10.3 Keying to Code of Federal Regulations.

Documents subject to codification, published in the daily issues of the FEDERAL REGISTER, shall be keyed to the Code of Federal Regulations and shall serve as daily supplements thereto.

§ 10.4 Form of citation.

Without prejudice to any other mode of citation, the contents of the FEDERAL REGISTER may be cited by volume and page number. The approved short form of citation to the FEDERAL REGISTER is "F.R." Thus "29 F.R. 3820" refers to material beginning on page 3820 of volume 29 of the daily issues.

§ 10.5 Unrestricted use.

There are no restrictions on the reproduction or republication of materials appearing in the FEDERAL REGISTER.

PART 11—MANDATORY, AUTHORIZED, AND PROHIBITED PUBLICATION

Sec.

MANDATORY

11.1 Proclamations, Executive orders, and other Presidential documents.
11.2 Documents having general applicability and legal effect.
11.3 Classes created by act of Congress.

AUTHORIZED

11.5 Documents of public interest.

EXPIRATION NOTICES

11.7 Notification of expiration of codified material.

CORRECTION OF ERRORS

11.10 Errors in documents.
11.11 Errors in printing.

UNAUTHORIZED OR PROHIBITED

11.20 Comments and news items.
11.21 International agreements.
11.22 Papers other than documents.

AUTHORITY: The provisions of this Part 11 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

MANDATORY

§ 11.1 Proclamations, Executive orders, and other Presidential documents.

All Presidential proclamations and Executive orders in the numbered series, and all other documents which the President submits for publication or orders to be published, are filed with the Office and published in the FEDERAL REGISTER.

§ 11.2 Documents having general applicability and legal effect.

Every document issued under proper authority prescribing a penalty or a course of conduct, conferring a right, privilege, authority, or immunity, or imposing an obligation, and relevant or applicable to the general public, the members of a class, or the persons of a locality, as distinguished from named individuals or organizations, is hereby determined to have general applicability and legal effect. Such documents shall be filed with the Office and published in the FEDERAL REGISTER.

§ 11.3 Classes created by act of Congress.

Documents or classes of documents required to be published by act of Congress shall be filed with the Office and published in the FEDERAL REGISTER.

AUTHORIZED

§ 11.5 Documents of public interest.

Other documents which in the opinion of the Director are of sufficient public interest to warrant such publication may be filed with the Office and published in the FEDERAL REGISTER.

EXPIRATION NOTICES

§ 11.7 Notification of expiration of codified material.

(a) Whenever a document subject to codification expires after a specified period by its own terms or by statutory provision, notification by document of the actual expiration date should be submitted for publication in the FEDERAL REGISTER.

(b) If the preparation of such a document is not expedient, the responsible agency shall provide the Director with timely notification in writing that the document is no longer in effect, citing the pertinent terms.

CORRECTION OF ERRORS

§ 11.10 Errors in documents.

After a document has been formally filed for public inspection and publication, errors in the substantive text thereof may be corrected only by the formal filing and publication of another document effecting the correction.

§ 11.11 Errors in printing.

Typographical or clerical errors made in the printing of the FEDERAL REGISTER shall be corrected by the insertion of an appropriate notation or by a reprinting in the FEDERAL REGISTER published without further agency documentation: *Provided*, That the Director determines that the error (1) tends to confuse or mislead the reader, or (2) would affect text subject to codification.

UNAUTHORIZED OR PROHIBITED

§ 11.20 Comments and news items.

The act prohibits the publication in the FEDERAL REGISTER of comments or news items of any character whatsoever (44 U.S.C. 1505(b)).

§ 11.21 International agreements.

The act does not apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President (44 U.S.C. 1511).

NOTE: The materials described in § 11.21 are published by the Secretary of State pursuant to 1 U.S.C. 112a.

§ 11.22 Papers other than documents.

The act authorizes and requires the publication of certain "documents," as that term is defined in 44 U.S.C. 1501, and does not authorize or require the publication of papers that do not come within that definition.

PART 12—PUBLICATION SCHEDULES

Sec.
12.1 Publication schedules.
12.2 Receipt and processing.
12.3 Filing for public inspection.

EMERGENCY SCHEDULE

12.5 Procedure for Schedule 1.
12.6 Criteria for Schedule 1.
12.7 Timing.
12.8 Transmittal from distant points.

REGULAR SCHEDULE

12.11 Procedure for Schedule 2.
12.12 Timing.

SPECIAL SCHEDULE

12.15 Procedure for Schedule 3.
12.16 Criteria for Schedule 3.
12.17 Timing.

AUTHORITY: The provisions of this Part 12 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 12.1 Publication schedules.

Documents properly submitted for publication in the FEDERAL REGISTER shall be immediately assigned by the Office to one of the following publication schedules:

Schedule 1—Emergency.
Schedule 2—Regular.
Schedule 3—Special.

§ 12.2 Receipt and processing.

Documents shall be received during a working day. Upon receipt, documents shall be held for confidential processing until filed for public inspection.

§ 12.3 Filing for public inspection.

Documents shall be filed for public inspection on the working day preceding the publication day thereof. The Office

shall place upon the original and certified copies of all documents a notation of the day and hour when they are filed and made available for public inspection. (See § 16.6 of this chapter.)

EMERGENCY SCHEDULE

§ 12.5 Procedure for Schedule 1.

A document shall be assigned to "Schedule 1—Emergency" upon specific request of the issuing agency and agreement thereto by the Director. Requests may be made by letter of transmittal or otherwise, as time permits. Confirmation of the assignment shall be made as promptly as possible.

§ 12.6 Criteria for Schedule 1.

Schedule 1 is designed to provide the fastest possible publication of a document involving the prevention, alleviation, control, or relief of an emergency situation. Requests for such publication should briefly describe the emergency and the benefits attributable to immediate publication in the FEDERAL REGISTER. Assignments to Schedule 1 shall be allowed whenever feasible.

§ 12.7 Timing.

Documents received by the Office before noon and assigned to Schedule 1 shall be published in the daily issue next following. Whenever such documents are received in the afternoon, they shall be published as soon thereafter as practicable.

§ 12.8 Transmittal from distant points.

The text of a Schedule 1 document may be transmitted from a distant field installation to its Washington office by telecommunication. Certified transcriptions thereof may be filed forthwith, in advance of receipt of the original document. The original document must then be filed at the earliest possible time. In such cases, the publication date under Schedule 1 shall be based on receipt by the Office of the certified transcribed copies. (See § 16.1(c) of this chapter.)

REGULAR SCHEDULE

§ 12.11 Procedure for Schedule 2.

In the absence of special arrangement with the issuing agency, documents shall be assigned to Schedule 2 for regular publication. Receipt in the ordinary course of business shall be considered as a request for such publication.

§ 12.12 Timing.

Documents assigned to Schedule 2 shall be held for confidential processing, including typesetting, for one full working day after receipt, shall be filed by the Office for public inspection on the next working day, and shall be published on the publication day next following the day of filing. Thus the regular schedule of publication shall be as follows:

Received	*Filed*	*Published*
Monday	Wednesday	Thursday.
Tuesday	Thursday	Friday.
Wednesday	Friday	Saturday.
Thursday	Monday	Tuesday.
Friday	Tuesday	Wednesday.

SPECIAL SCHEDULE

§ 12.15 Procedure for Schedule 3.

(a) Documents received in the ordinary course of business may be assigned to Schedule 3 by the Director, who shall cause the liaison officer concerned to be immediately notified of the assignment and the reasons therefor.

(b) Documents that are the subject of agreements involving special editorial or publication services may be placed in Schedule 3 by prearrangement.

§ 12.16 Criteria for Schedule 3.

Except by prearrangement, documents may be assigned to Schedule 3 only because of technical problems requiring additional time to prepare material for the press. Such requirement for additional time generally may be obviated through advance consultation with the Office respecting unusual tabulations, illustrations, or exceptionally voluminous submissions.

§ 12.17 Timing.

(a) Except as provided in paragraph (b) of this section, documents assigned to Schedule 3 because of technical problems shall be published as nearly on regular schedule as practicable.

(b) Documents assigned to Schedule 3 by prearrangement shall be published on the date agreed upon, without regard to the regular schedule.

PART 13—ORDER OF ARRANGEMENT IN THE FEDERAL REGISTER

Sec.
13.1 General.
13.2 The President.
13.3 Rules and Regulations.
13.4 Proposed Rule Making.
13.5 Notices.

AUTHORITY: The provisions of this Part 13 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 13.1 General.

Documents published in the FEDERAL REGISTER shall be arranged under four principal headings in the following order:

The President.
Rules and Regulations.
Proposed Rule Making.
Notices.

§ 13.2 The President.

There shall be published under this heading all Executive orders and proclamations in the numbered series, and all other Presidential documents which the President submits for publication or orders to be published.

§ 13.3 Rules and Regulations.

There shall be published under this heading all other documents subject to codification.

§ 13.4 Proposed Rule Making.

There shall be published under this heading all general notices of proposed rule making submitted pursuant to the Administration Procedure Act (5 U.S.C. 553) or pursuant to the provisions of any other act, and similar notices voluntarily undertaken by the issuing agency.

§ 13.5 Notices.

There shall be published under this heading all documents not falling within the provisions of §§ 13.2 to 13.4. These documents include:

(a) Miscellaneous documents not subject to codification.

(b) Notices of hearings that are not included under proposed rule making.

(c) Documents which in the opinion of the Director are of sufficient public interest to warrant publication. (See § 11.5 of this chapter.)

PART 14—INDEXES AND ANCILLARIES

SUBJECT INDEXES

Sec.
14.1 Daily contents.
14.2 Analytical subject indexes.

NUMERICAL FINDING AIDS

14.5 Daily lists of parts affected.
14.6 Monthly lists of sections affected.

SPECIAL DIGESTS AND GUIDES

14.9 Index-digests and guides.

AUTHORITY: The provisions of this Part 14 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

SUBJECT INDEXES

§ 14.1 Daily contents.

The contents of each FEDERAL REGISTER shall be appropriately indexed under the names of the issuing agencies.

§ 14.2 Analytical subject indexes.

Analytical subject indexes covering the contents of the FEDERAL REGISTER shall be separately published as currently as practicable, and shall be cumulated and separately published at least once each calendar year.

NUMERICAL FINDING AIDS

§ 14.5 Daily lists of parts affected.

Each daily issue shall carry a numerical list of the parts of the Code expressly affected by documents published in that issue. Beginning with the second issue of the month, each daily issue shall also carry a cumulated list of the parts affected by documents published during that month.

§ 14.6 Monthly lists of sections affected.

Monthly lists of sections affected shall be separately published on a cumulative basis during each calendar year. They shall contain a cumulative numerical list of the sections of the Code expressly affected by documents published in the FEDERAL REGISTER during the period covered.

SPECIAL DIGESTS AND GUIDES

§ 14.9 Index-digests and guides.

(a) Index-digests and similar guides, based on laws, Presidential documents, regulations, and notice materials published by the Office, and serving an appropriate need for users of the FEDERAL

REGISTER, may be prepared and published annually or at such intervals as may be necessary to keep them current and useful.

(b) Such digests and guides shall be considered special editions of the FEDERAL REGISTER whenever the public need requires special imposition or special binding in substantial numbers.

PART 15—DISTRIBUTION OF FEDERAL REGISTER

Sec.
15.1 General.

OFFICIAL DISTRIBUTION

15.3 The Congress.
15.4 Judicial branch.
15.5 Executive agencies.
15.6 Requisitions for quantity overruns of specific issues.
15.7 Requisitions for quantity overruns of separate Part II issues.
15.8 Extra copies.

PUBLIC SALE

15.10 Monthly or annual subscription.
15.11 Individual copies.

AUTHORITY: The provisions of this Part 15 issued under 44 U.S.C. 1506, Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 15.1 General.

The Government Printing Office shall make distribution of the FEDERAL REGISTER by delivery or by deposit at a post office at or before 9:00 a.m. of the publication day.

OFFICIAL DISTRIBUTION

§ 15.3 The Congress.

Members of the Congress shall be entitled to a maximum of 5 copies daily.

§ 15.4 Judicial branch.

(a) *Supreme Court.* The FEDERAL REGISTER shall be furnished without charge to the United States Supreme Court in such numbers as are needed for official use.

(b) *Other courts.* The FEDERAL REGISTER shall be furnished without charge to the other constitutional courts and the legislative courts of the United States in such numbers as are needed for official use. The Director of the Administrative Office of the United States Courts or his delegate shall submit written authorizations to the Director of the Federal Register specifying the quantities so required.

§ 15.5 Executive agencies.

The FEDERAL REGISTER shall be furnished without charge to officers and employees of the United States in such numbers as are needed for official use. Requests for placement on the FEDERAL REGISTER mailing list shall be made, in writing, to the Director by the person in the agency concerned who is authorized under §§ 4.1 and 4.5 of this chapter to list offices and employees who need to receive the FEDERAL REGISTER for official use.

§ 15.6 Requisitions for quantity overruns of specific issues.

To meet requirements for special distribution of the FEDERAL REGISTER in substantial quantity, agencies may request an overrun of a specific issue. Advance printing and binding requisitions (Standard Form 1), submitted by the agency directly to the Government Printing Office, must be received no later than 12 noon of the day before publication.

§ 15.7 Requisitions for quantity overruns of separate Part II issues.

Whenever copies in substantial quantity are required of a document estimated to fill at least sixteen FEDERAL REGISTER pages (approximately 80 or more typewritten double-spaced pages), such document may be published as a separate Part II of the FEDERAL REGISTER. Advance arrangements for this service must be made with the Office of the Federal Register. Copies of any such Part II may then be obtained by following the procedure described in § 15.6.

§ 15.8 Extra copies.

Requests for limited quantities of extra copies of a particular issue of the FEDERAL REGISTER for official use must be addressed to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Extra copies must be paid for by the agency or official requesting them.

PUBLIC SALE

§ 15.10 Monthly or annual subscription.

The daily issues of the FEDERAL REGISTER shall be furnished to subscribers on a monthly or an annual basis, at a price determined by the Administrative Committee. The subscription price must be paid in advance to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 15.11 Individual copies.

Limited quantities of current or recent copies may be obtained from the Superintendent of Documents at a price determined by him.

PART 16—PREPARATION AND TRANSMITTAL OF DOCUMENTS GENERALLY

ORIGINAL AND COPIES

Sec.
16.1 Original and copies required.
16.2 Letters of transmittal.
16.3 Letter form.
16.4 Typewritten originals.
16.5 Printed or processed documents.
16.6 Certified copies.
16.7 Form of certification.
16.8 Signature.
16.9 Seal.

STYLE

16.15 Punctuation, capitalization, orthography.
16.16 Geographic names.
16.17 Descriptions of tracts of land.

ILLUSTRATIONS, TABULAR MATERIAL, AND FORMS

16.20 Illustrations and tabular material.
16.21 Forms.

AUTHORITY: The provisions of this Part 16 issued under 44 U.S.C. 1506, Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

CROSS REFERENCE: For preparation of Presidential proclamations and Executive orders, see Subchapter B of this chapter.

ORIGINAL AND COPIES

§ 16.1 Original and copies required.

(a) Ordinarily an original and two duplicate originals or certified copies of all documents required or authorized to be published in the FEDERAL REGISTER shall be submitted to the Office.

(b) Agencies submitting documents printed or processed on both sides shall furnish, in addition to an original, three duplicate originals or certified copies.

(c) In the case of documents issued outside the District of Columbia, certified text may be submitted in lieu of the original (see § 12.8 of this chapter). The certified text must be replaced by the original document as soon as possible for filing as required by the Federal Register Act (44 U.S.C. 1503).

§ 16.2 Letters of transmittal.

Letters of transmittal are not required, but should be used whenever special handling or treatment is desired. (See Part 12 of this chapter.)

§ 16.3 Letter form.

The Code of Federal Regulations should never be amended by an instrument in the form of a letter. In fact, a letter is not an appropriate form for any document prepared for publication in the Rules and Regulations, Proposed Rule Making, or Notices portions of the FEDERAL REGISTER.

§ 16.4 Typewritten originals.

In general, documents shall be typewritten on white bond paper approximately 8 by 10½ inches, shall have a left-hand margin of approximately 1½ inches, and a right-hand margin of approximately 1 inch, and shall be double-spaced.

§ 16.5 Printed or processed documents.

Printed or processed documents may be accepted for filing and publication. The submitting agency shall obtain the prior approval of the Director respecting the suitability of such submission as an archival original and as printer's copy. Under no circumstances shall photostatic copies be accepted as original documents.

§ 16.6 Certified copies.

The certified copies or duplicate originals required under § 16.1 shall be attached to the original of all documents. All copies shall be entirely clear and legible. Copies of typewritten originals shall consist of either positive photostats on paper of a matte surface, electrostatic copies, or the first two carbon copies of the ribbon original. The time of filing and publication shall be governed by the time when clear and legible copies are submitted.

§ 16.7 Form of certification.

The copies of all documents required or authorized to be filed with the Office, except documents issued by the President, shall be certified substantially as follows: "Certified to be a true copy of the original". Each such certification shall be signed by a certifying officer

designated pursuant to § 4.1 of this chapter.

§ 16.8 Signature.

All original and duplicate original documents shall be signed in ink. Initials and impressed signatures shall not be acceptable. The name and title of the official signing the document shall be typed beneath his signature.

§ 16.9 Seal.

Affixation of a seal to original documents or certified copies is optional with the issuing agency.

STYLE

§ 16.15 Punctuation, capitalization, orthography.

Punctuation, capitalization, orthography, and other matters of style shall conform in general to the most recent edition of the United States Government Printing Office Style Manual.

§ 16.16 Geographic names.

The spelling of geographic names shall conform to the most recent official decisions of the Board on Geographic Names established pursuant to the act of July 25, 1947 (61 Stat. 456; 43 U.S.C. 364a).

§ 16.17 Descriptions of tracts of land.

Descriptions of tracts of land shall conform, so far as practicable, with the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," prepared by the Bureau of Land Management, Department of the Interior.

ILLUSTRATIONS, TABULAR MATERIAL, AND FORMS

§ 16.20 Illustrations and tabular material.

Whenever possible documents should be so drafted as to make the inclusion of illustrations and tabular material unnecessary. If their inclusion cannot be avoided, the documents will be assigned to publication Schedule 3 (§§ 12.15–12.17), and the following provisions shall apply:

(a) *Illustrations.* The original drawings, or clear reproductions, of all maps, charts, graphs, or other illustrations shall be submitted to the Office six working days before the date on which publication is desired. A legible reproduction of the original illustration reduced to a size approximating 8 by 10½ inches, shall appear as part of the original document and the required certified copies.

(b) *Tabular material.* Tabular material comprising more than two typewritten pages shall be forwarded to the Office six working days before the date on which publication is desired.

§ 16.21 Forms.

Tabulated blank forms for application, registration, reports, contracts, and the like, and the instructions for preparing such forms ordinarily shall not be published in full. In lieu thereof there may be submitted for publication a simple statement describing the function of the form and indicating the place, or places, where copies may be obtained.

PART 17—PREPARATION OF DOCUMENTS SUBJECT TO CODIFICATION

Subpart A—General Requirements

Sec.
Sec.
17.1 General provisions.
17.2 Descriptions of organization.
17.3 Orderly development.

CODE STRUCTURE

17.4 Titles.
17.5 Chapters.
17.6 Parts.
17.7 Sections.
17.8 Subtitles.
17.9 Subchapters.
17.10 Subparts and undesignated center heads.

NORMAL NUMBERING

17.12 Titles.
17.13 Chapters.
17.14 Parts.
17.15 Sections.
17.16 Internal divisions of sections.
17.17 Subtitles, subchapters, and subparts.
17.18 Reservation of numbers.

SPECIAL NUMBERING PROBLEMS

17.20 Addition of new units between existing units.
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17.22 Keying to agency numbering systems.
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HEADINGS

17.26 Required Code headings.
17.27 Additional captions.
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17.32 General requirements.

REFERENCES

17.34 General requirements.
17.35 References to FEDERAL REGISTER.
17.36 References between or within titles of the Code.
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EFFECTIVE-DATE STATEMENTS

17.41 Effective dates.

Subpart B—Citations of Authority

17.45 General requirements.
17.46 Agency responsibility; amendments.
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PLACEMENT

17.50 Coverage of single section.
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17.52 Combined blanket and separate coverage.
17.53 Combined blanket coverage.
17.54 Documents involving various amendments.
17.55 Non-statutory elements.

FORM

17.60 General.
17.61 Statutory materials.
17.62 Non-statutory materials.

AUTHORITY: The provisions of this Part 17 issued under 44 U.S.C. 1506, 1510. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

CROSS REFERENCE: For preparation of Presidential proclamations and Executive orders, see Subchapter B of this chapter.

Subpart A—General Requirements

§ 17.1 General provisions.

All documents subject to codification shall be drafted as amendments to the Code of Federal Regulations and prepared in accordance with the provisions of this part and of Part 16 of this chapter before submission to the Office. Each such document shall contain a promulgation statement precisely describing the relationship of the new provisions to existing provisions of the Code.

§ 17.2 Descriptions of organization.

The Director is authorized to designate documents submitted under the Administrative Procedure Act (5 U.S.C. 552(a)(1)(A)) as "documents subject to codification" under special agreement with the issuing agency. Such agreements shall be based on a formal statement, signed by the head of the agency, to the effect that (a) publication in the Code is necessary or desirable for the effective discharge of the agency's functions or activities, and (b) publication in the Code may be discontinued by order of the Administrative Committee for failure of the agency to keep publication current.

§ 17.3 Orderly development.

For the purpose of assuring orderly development along practical lines, the Director is authorized to establish new titles in the Code and to rearrange existing titles and subordinate assignments. Before taking such actions, the Director shall consult with all agencies directly affected by a proposed change.

CODE STRUCTURE

§ 17.4 Titles.

The major divisions of the Code are titles, which bring together broadly related governmental functions.

§ 17.5 Chapters.

The normal divisions of titles are chapters, which are assigned to the various agencies within titles descriptive of the subject matter covered by the agencies' rules and regulations.

§ 17.6 Parts.

The normal divisions of chapters are parts. A part should consist of a unified body of rules or regulations applying to a specific function of the issuing agency or devoted to specific subject matter under control of the issuing agency. Parts are normally assigned to chapters as follows: Chapter I, Parts 1 to 199; Chapter II, Parts 200 to 299; Chapter III, Parts 300 to 399; etc.

§ 17.7 Sections.

The normal divisions of parts are sections. The section is the basic unit of the Code. It should consist of a short, simple presentation of one principal proposition.

§ 17.8 Subtitles.

Subtitles may be used to distinguish between material emanating from an overall office or agency and the material

issued by its various components. Subtitles may also be used to otherwise group chapters within a title.

§ 17.9 Subchapters.

Subchapters may be used to group related parts within a chapter.

§ 17.10 Subparts and undesignated center heads.

Subparts or undesignated center heads may be used to group related sections within a part. Undesignated center heads may also be used to group sections within a subpart.

NORMAL NUMBERING

§ 17.12 Titles.

Titles are numbered consecutively in Arabic throughout the Code.

§ 17.13 Chapters.

Chapters are numbered consecutively in Roman capitals throughout each title.

§ 17.14 Parts.

Parts are numbered in Arabic throughout each title.

§ 17.15 Sections.

Sections are numbered in Arabic throughout each part. A section number shall include the number of the part set off by a decimal point. Thus, the section number for section 15 within Part 17 is § 17.15.

§ 17.16 Internal divisions of sections.

Whenever internal divisions are necessary, sections shall be subdivided into paragraphs, paragraphs into subparagraphs, and subparagraphs into subdivisions, designated as follows:

Terminology:	*Illustrative symbol*
Paragraph	(a)
Subparagraph	(1)
Subdivision	(i)

§ 17.17 Subtitles, subchapters, and subparts.

Subtitles and subchapters are lettered consecutively in capitals throughout the title and the chapter respectively. Subparts may be lettered in capitals or may be undesignated.

§ 17.18 Reservation of numbers.

Where related parts or related sections are grouped under a heading as provided for in §§ 17.9 and 17.10, numbers should be reserved at the end of each group to allow for expansion.

SPECIAL NUMBERING PROBLEMS

§ 17.20 Addition of new units between existing units.

(a) If it becomes necessary to introduce a new part or section between existing parts or sections the new part or section shall be designated by the addition of a lowercase letter to the preceding part or section number. Thus, a part introduced between Parts 31 and 32 would be numbered Part 31a, and a section introduced between § 31.1 and § 31.2 would be numbered § 31.1a.

(b) If it should become necessary to introduce a paragraph between existing paragraphs, and revision of the entire section is not desirable, the new paragraph shall be designated by the addition of a hyphen and Arabic number to the letter designating the preceding paragraph. Thus, a paragraph introduced between paragraphs (a) and (b) would be numbered as paragraph (a–1).

(c) Should it become necessary to introduce a unit smaller than a paragraph between existing units, the entire paragraph should be revised.

§ 17.21 Vacated numbers.

Whenever a number is vacated by a revocation, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked: [Reserved].

§ 17.22 Keying to agency numbering systems.

The keying of section numbers to make them correspond to particular numbering systems in use by the agency shall be permitted only when, in the opinion of the Director, the keying will be of benefit both to the agency and to the public. In all cases prior approval for the use of keying systems shall be obtained from the Director.

§ 17.23 Statements of general policy; interpretations.

Whenever a statement of general policy or interpretation, submitted pursuant to the Administrative Procedure Act (5 U.S.C. 552(a)(1)(D)) applies to an entire part, it should be included in, or appended to, that part. Similarly, whenever a statement of policy or interpretation applies to a specific section it should be appended to that section. Statements of policy and interpretations of broader scope should be assigned to a part or group of parts within the chapter affected.

HEADINGS

§ 17.26 Required Code headings.

(a) The title, chapter, and part heading, in that order, shall be set forth in full on separate lines at the beginning of each document. Subtitle, subchapter, and subpart headings shall also be set forth if applicable.

(b) Each section shall be given a brief descriptive heading. The section heading shall precede the text on a separate line.

§ 17.27 Additional captions.

(a) For the purpose of publication in the daily FEDERAL REGISTER, a brief caption more specifically describing the scope of a document constituting a partial amendment of the material within a part shall be provided immediately below the part heading.

(b) Agencies using regulation numbers or other identifying symbols shall place them in brackets centered immediately above the part heading.

§ 17.28 Tables of contents.

Tables of contents shall be used whenever a new part is introduced or an existing part is completely revised and whenever a group of sections is revised or added and set forth as a subpart or otherwise separately grouped under a centerhead. These tables shall precede the text of the rules or regulations and shall list the headings for the sections to which they are applicable.

§ 17.29 Composition of part headings.

A part heading should indicate briefly the general subject matter of the material appearing in the part. The use of phrases such as "Regulations under the act of July 26, 1955" or other expressions which are not descriptive of the subject matter should be avoided. Introductory expressions such as "Regulations governing" or "Rules applicable to" should not be used.

AMENDMENTS

§ 17.32 General requirements.

(a) When necessary for clarity, each amendatory document should include a brief statement of the nature and extent of the changes made.

(b) The number and heading of each section amended shall be set forth in full on a separate line.

(c) The text of each typographical unit amended shall be set forth in full as amended.

(d) Asterisks shall be used to indicate ellipsis of text retained without change. A separate line of five asterisks shall be used to indicate the ellipsis of one or more complete typographical units. A run-in line of three asterisks shall be used to indicate ellipsis of anything less than a complete typographical unit (see § 40.15 of this chapter).

REFERENCES

§ 17.34 General requirements.

All references to the Code shall be in terms of the specific titles, parts, sections, and paragraphs involved. Ambiguous references such as "herein" "above", "below", and the like shall never be used. All documents which contain reference to material published in the Code shall include the Code citation as part of such reference.

§ 17.35 References to Federal Register.

The contents of the FEDERAL REGISTER should be referred to by volume and page number. Thus material beginning on page 3820 of volume 29 should be cited: 29 F.R. 3820.

§ 17.36 References between or within titles of the Code.

Unless the meaning is otherwise precisely expressed and undue or awkward repetition would result, references should be as follows:

(a) *Between titles.* When reference is made to material codified under a title other than that in which the reference occurs, the short form of citation should be used. Thus a reference made within Title 41 to § 2.4 of Title 1 should be in the following form: 1 CFR 2.4.

(b) *Within titles.* When reference is made to material codified in the same

title, the following forms should be used:

Chapter II of this title.
Part 30 of this title.
§ 30.19 of this title.

(c) *Within chapters.* When reference is made to material codified in the same chapter, the following forms should be used:

Part 30 of this chapter.
§ 30.19 of this chapter.

(d) *Within sections.* Reference to other units within the same section should be cited as "paragraph (a) of this section" or "subparagraph (1) of this paragraph".

§ 17.37 Parallel citation of Federal Register and Code.

When appropriate, the Code and the FEDERAL REGISTER may be cited for parallel reference in the following forms:

18 CFR 157.18 (29 F.R. 4879).
§ 157.18 of this chapter (29 F.R. 4879).

§ 17.38 References to 1938 edition of Code.

Reference to the 1938 edition of the Code and supplements thereto may be made in the following forms:

1 CFR, 1938 ed., 1.1.
1 CFR, 1943, Cum. Supp., 2.1.
1 CFR, 1946 Supp., 2.1.

EFFECTIVE-DATE STATEMENTS

§ 17.41 Effective dates.

Each document subject to codification shall include a clear statement as to the date or dates on which its provisions are effective.

Subpart B—Citations of Authority

§ 17.45 General requirements.

Each section in a document subject to codification shall include, or shall be covered by, a complete citation of the rule making authority under which the provisions of the section are issued, including (a) general rule making authority delegated by statute (b) specific rule making authority, if any, delegated by statute and, (c) executive delegations, if any, necessary to link the statutory authority to the issuing agency.

§ 17.46 Agency responsibility; amendments.

The accuracy and integrity of citations of authority are the responsibility of the issuing agency. Such citations shall be formally amended by the issuing agency to reflect changes in authority.

§ 17.47 Provision for flexibility.

The Director is authorized to make exceptions to requirements respecting the placement and form of citations of authority whenever strict application of such requirements would impair the practical usefulness of such citations.

PLACEMENT

§ 17.50 Coverage of single section.

Authority covering a single section shall be cited in parentheses on a separate line immediately following the text of the section. Thus:

(Sec. 5, 80 Stat. 935; 49 U.S.C. 1654)

§ 17.51 Blanket coverage.

Authority covering a group of two or more consecutive sections shall be cited following the word "AUTHORITY" and placed as a text note immediately preceding the first section in the group. Thus:

AUTHORITY: The provisions of this Part 1 issued under sec. 5, 80 Stat. 935; 49 U.S.C. 1654.

§ 17.52 Combined blanket and separate coverage.

Whenever individual sections within a group covered by a blanket citation reflect additional authority, a combined form shall be used: Thus:

AUTHORITY: The provisions of this Part 7 issued under sec. 5, 80 Stat. 935; 49 U.S.C. 1654, unless otherwise noted.

§ 17.53 Combined blanket coverage.

Whenever a group of two or more consecutive sections within a broader group covered by a blanket citation reflect the same additional authority, combined blanket citations shall be used. Thus:

AUTHORITY: The provisions of this Part 7 issued under sec. 5, 80 Stat. 935; 49 U.S.C. 1654. §§ 7.1 to 7.11 also issued under sec. 313, 72 Stat. 752; 49 U.S.C. 1354.

§ 17.54 Documents involving various amendments.

(a) Whenever a document prescribes various amendments, issued under common authority, the citation to such authority shall be placed in parentheses on a separate line following the last amendment.

(b) Whenever a document prescribes various amendments issued under varying authorities, each amendatory proposition shall be followed by the appropriate citation in parentheses on a separate line.

§ 17.55 Non-statutory elements.

Documents required to be cited as authority shall be placed after any required statutory elements. Thus:

AUTHORITY: The provisions of this Part 201 issued under sec. 9, 80 Stat. 944; 49 U.S.C. 1657. E.O. 11222, 30 F.R. 6469, 3 CFR 1965 Comp.

FORM

§ 17.60 General.

The shortest form of citation compatible with positive identification and ready reference should be used in all formal citations of authority. The Office is prepared to assist agencies in developing model citations under this criterion.

§ 17.61 Statutory materials.

(a) *Public laws.* Citations to current public laws should include reference to the volume and page of the U.S. Statutes at Large to which they have been assigned. Thus:

Sec. 11, Pub. Law 88-190, 77 Stat. 343.

(b) *Statutes at Large and U.S. Code.* In citing the U.S. Statutes at Large, reference should be made to section, volume, and page. The page number should refer to the page on which the section cited begins. The parallel U.S. Code citation shall be given whenever possible. In multiple citations, references to the Statutes should be arranged chronologically and grouped separately, preceding the group of parallel U.S. Code citations.

§ 17.62 Non-statutory materials.

Documents should be cited by FEDERAL REGISTER volume and page, followed if possible, by the parallel citation to the Code of Federal Regulations. Thus:

T.D. 6721, 29 F.R. 4997.
Special Civil Air Reg. SR-422A, 28 F.R. 6703; 14 CFR Part 4b.
E.O. 11130, 28 F.R. 12789; 3 CFR 1959-1963 Comp.

PART 18—PREPARATION OF NOTICES AND RULE MAKING PROPOSALS

NOTICES IN GENERAL

Sec.
18.1 General requirements.
18.2 Name of issuing agency.
18.3 Name of agency subdivision.
18.4 Agency document designation.
18.5 Additional captions.
18.6 Authority citation.

NOTICES OF PROPOSED RULE MAKING

18.10 General requirements.
18.11 Code designation.
18.12 Codification.

AUTHORITY: The provisions of this Part 18 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954-1958 Comp.

CROSS REFERENCE: For preparation of Presidential proclamations and Executive orders, see Subchapter B of this chapter.

NOTICES IN GENERAL

§ 18.1 General requirements.

Documents not subject to codification shall be prepared in conformity with the provisions of this part and of Part 16 of this chapter.

§ 18.2 Name of issuing agency.

The name of the issuing agency shall be carried at the beginning of the document.

§ 18.3 Name of agency subdivision.

Whenever a document is issued by or for a specific bureau, service, or similar unit within a department or overall agency, the name of such bureau, service, or unit shall be carried on a separate line immediately below the name of the issuing agency.

§ 18.4 Agency document designation.

Agencies using file numbers, docket numbers, or similar identifying symbols shall place them in brackets on a separate line immediately following the headings required by §§ 18.2 and 18.3.

§ 18.5 Additional captions.

A suitable short title identifying the subject shall be provided beginning on a separate line immediately following the other required caption or captions. Whenever appropriate, an additional brief caption indicating the nature of the document should be used.

§ 18.6 Authority citation.

The authority under which the document is issued should be cited in narrative form within text or in parentheses on a separate line following text.

NOTICES OF PROPOSED RULE MAKING

§ 18.10 General requirements.

Notices of proposed rule making required by the Administrative Procedure Act (5 U.S.C. 553) or by any other act, and similar notices voluntarily undertaken, shall include a statement of (a) the time, place, and nature of public rule making proceedings; (b) reference to the authority under which the rule is proposed; and (c) either the terms or substance of the proposed rule or a description of the subjects and issues involved. Such notices shall conform to the provisions of this part and of Part 16 of this chapter.

§ 18.11 Code designation.

The area of the Code directly affected by a proposed rule shall be identified by placing the appropriate CFR citation in brackets immediately below the name of the issuing agency. Ordinarily this citation will consist of title and part, thus: [1 CFR Part 18].

§ 18.12 Codification.

Any portion of a proposed rule making document which consists of the full text of a proposed rule shall also conform to the provisions of Part 17 of this chapter.

PART 20—INCORPORATION BY REFERENCE

Subpart A—General Standards

Sec.
20.1 Scope and purpose.
20.2 Strict interpretation.
20.3 Matter eligible.
20.4 Distinctions.
20.5 Basic elements bearing on approval by Director.

Subpart B—Drafting Standards

20.10 Language of incorporation.
20.11 Identification and description.
20.12 Statement of availability.
20.20 Advance consultation.

Subpart C—Publication Procedures

20.21 Notification to issuing agency.
20.22 Letter transmitting final document.
20.23 Stamp of approval.

AUTHORITY: The provisions of this Part 20 issued under 5 U.S.C. 552(a).

Subpart A—General Standards

§ 20.1 Scope and purpose.

The provisions of this Part 20 establish the standards and procedures under which the Director of the Federal Register shall decide to approve or deny use of incorporation by reference as contemplated by 5 U.S.C. 552(a).

§ 20.2 Strict interpretation.

(a) *General.* The provisions of the last sentence of section 552(a) will be strictly interpreted by the Director in order to afford fairness and uniformity in administrative procedures involving publication in the FEDERAL REGISTER.

(b) *Basic instruments and publication system.* The Director will interpret and apply the provisions with full regard to the significance of related instruments governing publication in the daily FEDERAL REGISTER, and in supplemental editions thereof, including the Code of Federal Regulations, the U.S. Government Organization Manual and the Public Papers of the Presidents. Among others, the related instruments include:

(1) The Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.);

(2) The Federal Register Act, as amended (44 U.S.C. Ch. 15);

(3) The regulations of the Administrative Committee of the Federal Register prescribed pursuant to the Federal Register Act (1 CFR Ch. I); and

(4) Special statutory provisions requiring publication in the FEDERAL REGISTER (see 1 CFR, Ch. I, App. B).

(c) *Primary assumption.* The Director will assume that the provisions of the last sentence of section 552(a) are: (1) Designed to cover the limited purposes of section 552(a), (2) intended to benefit both the Government and the members of the classes affected by reducing the volume of matter actually printed in the FEDERAL REGISTER, and (3) not intended to detract from the legal or practical attributes of the system established under the basic instruments referred to in paragraph (b) of this section

§ 20.3 Matter eligible.

In order to be eligible for incorporation by reference, the matter must be in the nature of published data, criteria, standards, specifications, techniques, illustrations, or other published information reasonably available to the members of the class affected thereby.

§ 20.4 Distinctions.

(a) *Ordinary references.* The use of ordinary, informational references and cross references should be continued as usual. Such references are to be distinguished from instances of legal incorporation by reference under section 552(a).

(b) *Rules of availability of agency issuances.* Rules regarding the availability of agency issuances serve a different purpose and are to be distinguished from instances of legal incorporation by reference.

(c) *Promulgation.* The legal promulgation of a document in the FEDERAL REGISTER is to be distinguished from the use of legal incorporation by reference within such a document. Incorporation by reference is not acceptable as a substitute for promulgating in full text a proposition required to be published by section 552(a). Incorporation by reference is acceptable as a means of avoiding within the promulgated document an unnecessary repetition of published information already reasonably available to the class affected.

§ 20.5 Basic elements bearing on approval by Director.

The use of incorporation by reference will be approved by the Director when all of the following considerations are favorable and reasonably stable:

(a) The matter is eligible.

(b) Incorporation will substantially reduce the volume of materials published in the FEDERAL REGISTER.

(c) The matter incorporated is in fact available to the extent necessary to afford fairness and uniformity in the administrative process.

(d) The incorporating document is drafted and submitted for publication in accordance with the provisions of this Part 20.

Subpart B—Drafting Standards

§ 20.10 Language of incorporation.

The language whereby a matter is incorporated by reference in the FEDERAL REGISTER shall be both precise and unequivocal on the face of the document making the reference. The words expressing the incorporation shall make it clear that incorporation by reference is both intended and completed by the instant document.

§ 20.11 Identification and description.

Each incorporation by reference shall include an identification and a subject description of the matter incorporated. These shall be as precise and as useful as practicable within the limits of reasonable brevity.

(a) *Identification.* Titles, dates, editions, numbers, authors, and publishers shall be used where they contribute substantially to clear identification.

(b) *Subject description.* A brief subject description also shall be included, designed to inform the user regarding his potential need to obtain the matter incorporated.

§ 20.12 Statement of availability.

(a) *Information.* Each incorporation by reference shall also include a statement covering the availability of the matter incorporated, including current information as to where and how copies may be examined and readily obtained with maximum convenience to the inquirer.

(b) *Official showing.* Such statements also shall be tantamount to an official showing by the issuing agency that the matter incorporated is in fact reasonably available to the class of persons affected thereby.

(c) *Continued availability.* Where incorporated matter is subject to change, such statements shall clearly indicate: (1) The applicability and the availability of such changes; and (2) the availability of an official, historic file of such changes.

Subpart C—Publication Procedures

§ 20.20 Advance consultation.

In order to avoid delay in publication, the issuing agency shall, in advance of submission, consult with the Director regarding the acceptability of any given document involving incorporation by reference. This consultation should be completed at least 20 working days prior to the desired date of submission of the document for publication.

§ 20.21 Notification to issuing agency.

After completion of advance consultation, the Director shall notify the issuing agency of his decision regarding publication. Notification shall be given at least 5 working days before the proposed date of submission.

§ 20.22 Letter transmitting final document.

All documents submitted for publication under the provisions of this Part 20 shall be covered and accompanied by a letter of transmittal primarily concerned with the matter of incorporation by reference and referring specifically to the required advance consultation.

§ 20.23 Stamp of approval.

All documents accepted under the provisions of this Part 20 shall bear a legend in substantially the following style: "Incorporation by reference provisions approved by the Director of the Federal Register _____." This legend (date) shall be affixed by the Director or his delegate and shall be printed in the FEDERAL REGISTER as part of the document.

SUBCHAPTER D—SPECIAL EDITIONS OF THE FEDERAL REGISTER

PART 30—CODE OF FEDERAL REGULATIONS

Subpart A—Publication

Sec.
30.1 Publication policy.
30.2 Form of citation.
30.3 Unrestricted use.
30.4 Orderly development.
30.5 General format and binding.
30.6 Daily supplementation.
30.7 Periodic supplementation and republication.
30.8 Presidential documents, Title 3.
30.9 Indexes.
30.10 Ancillaries.
30.11 Agency cooperation.

Subpart B—Distribution

OFFICIAL DISTRIBUTION

30.12 Congressional committees.
30.13 Judicial branch.
30.14 Executive agencies.
30.15 Governmental requisitions.

PUBLIC SALE

30.16 Individual books and supplements.
30.17 Subscription service.

AUTHORITY: The provisions of this Part 30 issued under 44 U.S.C. 1506, 1510. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

CROSS REFERENCE: For provisions respecting the structure of the Code, see §§ 17.4 to 17.10 of this chapter.

Subpart A—Publication

§ 30.1 Publication policy.

(a) Pursuant to the act and the provisions of this chapter, the Office shall maintain publication of a special edition of the FEDERAL REGISTER designed to present a compact and practical code entitled "Code of Federal Regulations."

(b) The Code shall be based with respect to continuity of coverage on the "Code of Federal Regulations, 1949 Edition" published pursuant to regulations of the Administrative Committee approved by the President October 11, 1948 (13 F.R. 5935). It is the intent of the Administrative Committee that every practical means be employed to keep this Code as current and as readily usable as possible within limitations imposed by considerations of dependability and reasonable costs.

§ 30.2 Form of citation.

The Code of Federal Regulations may be cited by title and section. The approved short form is by title number, initial letters of the name, and the combined part-section number. Thus 1 CFR 30.2 refers to Title 1, Code of Federal Regulations, Part 30, section 2.

§ 30.3 Unrestricted use.

There are no restrictions on the reproduction or republication of materials appearing in the Code of Federal Regulations.

§ 30.4 Orderly development.

For the purpose of assuring orderly development along practical lines, the Director is authorized to establish new titles in the Code, and to rearrange existing titles and subordinate assignments. Before taking any such action, the Director shall consult with all agencies directly affected by the proposed change.

§ 30.5 General format and binding.

For the purpose of attaining maximum usefulness, prompt publication, and economy of manufacture, the Director is authorized to provide for the binding of the Code into as many separate books as are indicated by the needs of users and compatible with the facilities of the Government Printing Office. Books may have permanent bindings (with or without pockets for supplements) or may be paperbound when, in the judgment of the Director, frequency of revisions, user needs, or other good reasons make such binding preferable.

§ 30.6 Daily supplementation.

Documents subject to codification, published in the daily issues of the FEDERAL REGISTER pursuant to Subchapter C of this chapter, shall be keyed to the Code and shall serve as daily supplements thereto.

§ 30.7 Periodic supplementation and republication.

(a) *Criteria.* Each book of the Code shall be updated by a supplementary book or by collation and republication at least once each calendar year. If no change has occurred during the year, a simple notation to that effect may serve as the supplement for that year. More frequent supplementation or collation and republication of any unit of the Code may be made whenever the Director determines that the content of the unit has been substantially superseded or otherwise determines that such action would be consistent with the intent and purpose of the Administrative Committee as stated in the last sentence of § 30.1(b).

(b) *Annual cutoff date.* The regular cutoff date for the coverage of annual supplements or republications shall be the last publication day of each calendar year. The text of each annual supplement or republication shall be limited to provisions which have been fully promulgated in the FEDERAL REGISTER on or before the cutoff date.

(c) *Other cutoff dates.* When supplementation or republication occurs more frequently than once each year, the cutoff dates shall be determined by the Director with due regard for the coverage of pertinent indexes and numerical finding aids.

§ 30.8 Presidential documents, Title 3.

(a) *Compilation and republication.* The Office shall compile and publish annual supplements to Title 3. The supplements shall contain the full text of proclamations, Executive orders, and other Presidential documents published in the daily FEDERAL REGISTER during the calendar year. Annual books may be paper bound and shall include appropriate indexes and ancillaries. Every five years, or as determined by the Director to be required, the annual supplements shall be compiled and republished in permanently bound form with consolidated indexes and numerical finding aids.

(b) *Codification.* It is the intent of the Administrative Committee that general and permanent Presidential documents of a regulatory nature also be codified under Title 3 or other appropriate titles.

§ 30.9 Indexes.

In general, each book shall include an explanation of its coverage and such other finding aids as may be authorized by the Director. A subject index to the entire Code shall be annually revised and separately published.

§ 30.10 Ancillaries.

The Code shall provide, among others, the following-described ancillary tables:

(a) *Parallel tables of statutory authority and rules.* In Title 2 or such other place as the Director may deem appropriate, numerical lists of all sections of the current edition of the United States Code (except 5 U.S.C. 301) which are cited by issuing agencies as rule making authority for currently effective rules in the Code of Federal Regulations. The lists shall be arranged in the order of the titles and sections of the United States Code with parallel citations to the pertinent titles and sections of the Code of Federal Regulations.

(b) *Tables of cited Presidential documents.* Under an appropriate title, tables of proclamations, Executive orders, and similar Presidential documents which are included or referred to in currently effective rules as published in the Code of Federal Regulations.

(c) *List of sections affected.* Following the text of each book or cumulative supplement, a numerical list of all sections which are affected by documents published in the FEDERAL REGISTER on and after January 1, 1964. (A separate volume, "List of Sections Affected, 1949–1963" lists all sections of the Code which have been affected by documents published during the period Jan. 1, 1949 to Dec. 31, 1963). Listings shall refer to FEDERAL REGISTER pages and shall be designed to enable the user of the Code to assure himself of the precise text that was in effect on a given date in the period covered.

§ 30.11 Agency cooperation.

Each agency shall cooperate in keeping publication of the Code current by prompt compliance with deadlines set by the Office and the Government Printing Office.

Subpart B—Distribution

Official Distribution

§ 30.12 Congressional committees.

The Code shall be furnished to committees of the Congress in such numbers as are needed for official use. Authorization for furnishing such copies shall be submitted in writing to the Director by the Committee Chairman or his delegate.

§ 30.13 Judicial branch.

(a) *Supreme Court.* The Code shall be furnished without charge to the Supreme Court of the United States in such numbers as are needed for official use.

(b) *Other courts.* The Code shall be furnished without charge to the other constitutional courts and to the legislative courts of the United States in such numbers as are needed for official use. Authorization for furnishing such copies shall be submitted in writing to the Director of the Federal Register and signed by the Director of the Administrative Office of the United States Courts or his delegate.

§ 30.14 Executive agencies.

The Code shall be furnished to officials, libraries, and major organizational units of the executive agencies as needed for official use. Authorization for furnishing copies shall be submitted to the Director in writing and signed by the authorizing officer or his alternate designated under § 4.1 of this chapter. Special needs for selected units of the Code in substantial quantity shall be filled by governmental requisition under § 30.15.

§ 30.15 Governmental requisitions.

Legislative, judicial, and executive agencies of the Federal Government shall be entitled to obtain selected units of the Code which are needed in substantial quantity for special distribution upon timely submission to the Government Printing Office of a printing and binding requisition (Standard Form 1).

Public Sale

§ 30.16 Individual books and supplements.

The books and supplements comprising the Code shall be placed on sale to the public by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at prices determined by him under the general direction of the Administrative Committee.

§ 30.17 Subscription service.

Subscription service on an annual basis to all revised volumes and supplements of the Code shall be obtainable from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at prices determined by him under the general direction of the Administrative Committee.

PART 31—U.S. GOVERNMENT ORGANIZATION MANUAL

Publication and Format

Sec.
31.1 Publication required.
31.2 Format and indexes.

Scope

31.6 Executive agencies.
31.7 Congress and the courts.
31.8 Supplementary material.

Liaison Officers

31.11 Designation of special officers.
31.12 Duties of regular officers.

Manner of Compilation

31.16 Preparation of agency statements.
31.17 Agency review of drafts.
31.18 Other organization statements.
31.19 Apportionment of space.

Official Distribution

31.21 The Congress.
31.22 Congressional committees.
31.23 Judicial branch.
31.24 Executive agencies.
31.25 Governmental requisitions.
31.26 Extra copies.

Public Sale

31.28 Current edition of Manual.

Authority: The provisions of this Part 31 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

Publication and Format

§ 31.1 Publication required.

There shall be published, annually or at such times as may be determined by the Administrative Committee, a special edition of the Federal Register designated as the "United States Government Organization Manual."

§ 31.2 Format and indexes.

The Manual shall be separately published in handbook form, with appropriate indexes and ancillaries.

Scope

§ 31.6 Executive agencies.

Brief descriptions of the organization of the various agencies of the executive branch shall be published in the Manual. The text shall be based on the descriptions of organization required to be published in the Federal Register by the Administrative Procedure Act (5 U.S.C. 552(a)(1)(A)).

§ 31.7 Congress and the courts.

Brief descriptions of the organization of the Congress and of agencies of the legislative and judicial branches shall be published in the Manual.

§ 31.8 Supplementary material.

Brief descriptions of the organization of quasi-official agencies and similar supplementary information may be included in the Manual if, in the opinion of the Director, the material is of sufficient public interest to warrant such inclusion.

Liaison Officers

§ 31.11 Designation of special officers.

The Director shall request the agencies of the legislative and judicial branches and the quasi-official agencies represented in the Manual to designate special officers to maintain liaison with the Office of the Federal Register.

§ 31.12 Duties of regular officers.

Each liaison officer regularly designated under § 4.1 of this chapter shall review for accuracy the statement of agency organization submitted pursuant to § 31.17, and shall cause to be supplied any supplementary information concerning his agency which is to be included pursuant to § 31.8.

Manner of Compilation

§ 31.16 Preparation of agency statements.

The Office shall prepare an official draft of the descriptions of organization contemplated by § 31.6. In addition to identifying principal organizational units, these descriptions shall plainly indicate the places at which the public may secure information or make submittals or requests.

§ 31.17 Agency review of drafts.

Each such official draft, together with related supplementary material, shall be submitted by the Office to the appropriate liaison officer for review as to accuracy. Changes in the official draft shall be limited to factual corrections and to the updating of text to reflect organization as of the cutoff date of the edition of the Manual in process.

§ 31.18 Other organization statements.

Brief descriptions of the organization of agencies of the legislative and judicial branches and of quasi-official agencies shall be prepared and submitted to such agencies with a request that they be reviewed for accuracy.

§ 31.19 Apportionment of space.

The Director is authorized to determine the apportionment of space in the Manual with a view to maintaining balance and uniformity of presentation.

Official Distribution

§ 31.21 The Congress.

Each Member of the Congress shall be furnished two free copies of the Manual; and each Member shall be entitled to receive not more than ten additional free copies for official use. Authorization for the furnishing of such additional copies shall be submitted in writing to the Director by the authorizing Member.

§ 31.22 Congressional committees.

Each Congressional committee shall be entitled to receive copies of the Manual without charge in such numbers as are needed for official use. Requests for placement on the Manual mailing list shall be made in writing to the Director by the chairman of the committee or his delegate.

§ 31.23 Judicial branch.

(a) *Supreme Court.* The Supreme Court of the United States shall be entitled to 18 copies of the Manual without charge.

(b) *Other courts.* The other constitutional courts and the legislative courts of the United States shall be entitled each to one copy of the Manual without

charge. Authorization for furnishing such copies shall be submitted in writing to the Director of the Federal Register by the Director of the Administrative Office of the United States Courts or his delegate.

§ 31.24 Executive agencies.

The head of each agency in the executive branch and each liaison officer designated under §§ 4.1 and 31.11 of this chapter shall be entitled to one free copy of the Manual.

§ 31.25 Governmental requisitions.

Legislative, judicial, and executive agencies of the Federal Government may obtain at cost copies of the Manual for official use upon the timely submission to the Government Printing Office of a printing and binding requisition (Standard Form 1).

§ 31.26 Extra copies.

All requests for extra copies of the Manual must be addressed to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, and such copies must be paid for by the agency or official requesting them.

PUBLIC SALE

§ 31.28 Current edition of Manual.

The Manual shall be placed on sale to the public by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at a price to be determined by him under the general direction of the Administrative Committee.

PART 32—PRESIDENTIAL PAPERS

Subpart A—Annual Volumes

PUBLICATION AND FORMAT

Sec.
32.1 Publication required.
32.2 Coverage of prior years.
32.3 Format, indexes, ancillaries.

SCOPE

32.10 Basic criteria.
32.11 Sources.

OFFICIAL DISTRIBUTION

32.15 The Congress.
32.16 The Supreme Court.
32.17 Executive agencies.
32.18 Governmental requisitions.
32.19 Extra copies.

PUBLIC SALE

32.22 Sale of annual volumes.

Subpart B—Weekly Compilation

32.30 Publication required.
32.31 Format and indexes.
32.40 Official distribution.
32.50 Public sale.

AUTHORITY: The provisions of this Part 32 issued under 44 U.S.C. 1506, Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–58 Comp.

Subpart A—Annual Volumes

PUBLICATION AND FORMAT

§ 32.1 Publication required.

There shall be published forthwith at the end of each calendar year, a special edition of the FEDERAL REGISTER designated "Public Papers of the Presidents of the United States." Ordinarily each volume shall cover one calendar year and shall be identified further by the name of the President and the period covered.

NOTE: This program started with the year 1957.

§ 32.2 Coverage of prior years.

After conferring with the National Historical Publications Commission with respect to the need therefor, the Administrative Committee may from time to time authorize the publication of similar volumes covering specified calendar years prior to 1957.

NOTE: The Committee has approved the publication of volumes starting with the year 1929.

§ 32.3 Format, indexes, ancillaries.

Each annual volume, divided into books whenever appropriate, shall be separately published in the binding and style deemed by the Administrative Committee to be suitable to the dignity of the office of President of the United States. Each volume shall be appropriately indexed and shall contain appropriate ancillary information respecting significant Presidential documents not published in full text.

SCOPE

§ 32.10 Basic criteria.

The basic text of the volumes shall consist of oral utterances by the President or of writings subscribed by him.

§ 32.11 Sources.

(a) The basic text of the volumes shall be selected from: (1) Communications to the Congress, (2) public addresses, (3) transcripts of press conferences, (4) public letters, (5) messages to heads of state, (6) statements released on miscellaneous subjects, and (7) formal executive documents promulgated in accordance with law.

(b) In general, ancillary text, notes, and tables shall be derived from official sources.

OFFICIAL DISTRIBUTION

§ 32.15 The Congress.

Each Member of the Congress, during his term of office, shall be entitled to one copy of each annual volume published during such term. Authorization for furnishing such copies shall be submitted in writing to the Director and signed by the authorizing Member.

§ 32.16 The Supreme Court.

The Supreme Court of the United States shall be entitled to 12 copies of the annual volumes.

§ 32.17 Executive agencies.

The head of each department and the head of each independent agency in the executive branch of the Government shall be entitled to one copy of each annual volume upon application therefor in writing to the Director.

§ 32.18 Governmental requisitions.

Legislative, judicial, and executive agencies of the Federal Government may obtain, at cost, copies of the annual volumes for official use upon the timely submission to the Government Printing Office of a printing and binding requisition (Standard Form 1).

§ 32.19 Extra copies.

All requests for extra copies of the annual volumes must be addressed to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Extra copies must be paid for by the agency or official requesting them.

PUBLIC SALE

§ 32.22 Sale of annual volumes.

The annual volumes shall be placed on sale to the public by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at prices determined by him under the general direction of the Administrative Committee.

Subpart B—Weekly Compilation

§ 32.30 Publication required.

There shall be published promptly, once each week, a special edition of the FEDERAL REGISTER designated "Weekly Compilation of Presidential Documents."

§ 32.31 Format and indexes.

The Weekly Compilation shall be published in the style and binding deemed by the Administrative Committee to be most suitable for public and official use. The Director of the Federal Register shall provide indexes and such other finding aids as may be appropriate to effective use.

§ 32.40 Official distribution.

The Weekly Compilation shall be furnished regularly to members of Congress and to officials of the legislative, judicial and executive branches of the Government in such numbers as are needed for official use. Authorization to make such distribution shall be made in writing to the Director and signed by the authorizing officer. Special needs for selected issues in substantial quantity shall be filled by the timely submission to the Government Printing Office of a printing and binding requisition (Standard Form 1).

§ 32.50 Public sale.

The Weekly Compilation shall be placed on sale to the public by the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402, at a price to be determined by him under the general direction of the Administrative Committee.

SUBCHAPTER E—DEFINITIONS

PART 40—MEANING OF TERMS IN THIS CHAPTER

Sec.
40.1 Meaning of terms.
40.2 Act.
40.3 Administrative Committee.
40.4 Administrative Procedure Act.
40.5 Agency.
40.6 Code.
40.7 Director.
40.8 Document.
40.9 Document having general applicability and legal effect.
40.10 Document subject to codification.
40.11 Federal Register.
40.12 Office.
40.13 Person.
40.14 Publication day.

Sec.
40.15 Typographical unit.
40.16 Working day.

AUTHORITY: The provisions of this Part 40 issued under 44 U.S.C. 1506. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954–1958 Comp.

§ 40.1 Meaning of terms.

As used in this chapter, unless the context otherwise requires, terms shall have the meanings ascribed in this part.

§ 40.2 Act.

"Act" means the Federal Register Act (44 U.S.C. 1501–1511).

§ 40.3 Administrative Committee.

"Administrative Committee" means the Administrative Committee of the Federal Register established under 44 U.S.C. 1506.

§ 40.4 Administrative Procedure Act.

"Administrative Procedure Act" means 5 U.S.C. 551–559.

§ 40.5 Agency.

"Agency" means each authority, whether or not within or subject to review by another agency, of the government of the United States other than the Congress, the courts, or the Governments of the District of Columbia, the Commonwealth of Puerto Rico, or the territories or possessions of the United States.

§ 40.6 Code.

"Code" means the Code of Federal Regulations prepared and published by the Office pursuant to 44 U.S.C. 1510.

§ 40.7 Director.

"Director" means the Director of the Office of the Federal Register, National Archives and Records Service, General Services Administration.

§ 40.8 Document.

"Document" means any Presidential proclamation or Executive order, and any rule, regulation, order, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by an agency, and any other instrument authorized or required by law to be published in the FEDERAL REGISTER.

§ 40.9 Document having general applicability and legal effect.

"Document having general applicability and legal effect" means every document issued under proper authority prescribing a penalty or a course of conduct, conferring a right, privilege, authority, or immunity, or imposing an obligation, and relevant or applicable to the general public, the members of a class, or the persons of a locality, as distinguished from named individuals or organizations.

§ 40.10 Document subject to codification.

"Document subject to codification" means any document which has general applicability and legal effect and which is in force and effect and relied upon by the issuing agency as authority for, or invoked or used in the discharge of, any of its functions or activities: *Provided*, That descriptions of organization published pursuant to the Administrative Procedure Act (5 U.S.C. 552(a)(1)(A)) may be assigned to and published in the Code under special agreements authorized by § 17.2 of this chapter.

§ 40.11 Federal Register.

"FEDERAL REGISTER" means the daily issue of the FEDERAL REGISTER.

§ 40.12 Office.

"Office" means the Office of the Federal Register, National Archives and Records Service, General Services Administration.

§ 40.13 Person.

"Person" means any individual, partnership, association, or corporation.

§ 40.14 Publication day.

"Publication day" means the day designated by the date line of the FEDERAL REGISTER in which a document is published. The FEDERAL REGISTER is published Tuesday through Saturday. There is no publication on Sunday, Monday, or on the day after an official Federal holiday.

§ 40.15 Typographical unit.

"Typographical unit" means a grammatical paragraph or an obvious segment of printed text similar in appearance to a paragraph.

§ 40.16 Working day.

"Working day" means the period from 8:45 a.m. to 5:15 p.m., Monday through Friday of each week, except official Federal holidays.

By order of the Administrative Committee of the Federal Register.

DAVID C. EBERHART,
Secretary.

[F.R. Doc. 69-14363; Filed, Dec. 1, 1969; 8:45 a.m.]