FEDERAL REGISTER

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Pages 19961–20016

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Atomic Energy Commission
Business and Defense Services Administration
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Water Pollution Control Administration
Food and Drug Administration
Food and Nutrition Service
General Accounting Office
General Services Administration
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Internal Revenue Service
Interstate Commerce Commission
Labor Department
Land Management Bureau
Oil Import Administration
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Public Health Service
Securities and Exchange Commission
Social Security Administration

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Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER A—GENERAL PROCEDURE

PART 6—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Miscellaneous Amendments

Part 6 is changed in a number of sections primarily to reflect the redesignation of the Director of Personnel as the Director, Office of Personnel Management, as follows:

1. Section 6.4 is revised to read:

§ 6.4 Appointment of deputy counselors.

Subject to the approval of the Comptroller General, the counselor named under § 6.3 may designate, when appropriate and needed, deputy counselors to assist General Accounting Office employees and special Government employees. Deputy counselors designated under this paragraph shall be qualified and in a position to give authoritative advice and guidance to employees and special Government employees who seek advice and guidance on conflicts of interest questions. In those divisions where no deputy counselor has been designated, the counselor for the General Accounting Office will be available to assist the employees and special Government employees.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

2. Section 6.5 is revised to read:

§ 6.5 Compliance.

The heads of divisions and offices shall be responsible for seeing to it that this part is fully complied with in their respective divisions or offices and for issuing whatever supplementary instructions are deemed desirable. Except as otherwise specifically provided for in this part, any matter coming within the provisions of this part arising in the General Accounting Office will be referred immediately by the head of division or office or other official concerned to the Director, Office of Personnel Management, for appropriate disposition.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

3. Section 6.23(b) is revised to read:

§ 6.23 Bribery, graft, and conflicts of interest.

* * * * *

(b) An employee may not, except in the discharge of his official duties, represent anyone else (with or without compensation) before a court or Government agency in a matter in which the United States is a party or has a direct or substantial interest (18 U.S.C. 205).

* * * * *

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

4. Section 6.27 is revised to read:

§ 6.27 Outside employment and other activity.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) Employees may (subject to the provisions of paragraph (c)(3) of this section) engage in teaching, lecturing, and writing that is not prohibited by law or the regulations in this part. An employee shall not, however, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the foreign service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Comptroller General gives written authorization for the use of nonpublic information on the basis that such use is in the public interest. In addition, the Comptroller General shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations, of the General Accounting Office, or which draws substantially on official data or ideas which have not become part of the body of public information.

(c) This paragraph does not preclude an employee from:

(1) Participation in the activities of national or State political parties not precluded by law.

(2) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit, educational and recreational, public service, or civic organization.

(3) Outside employment when permission has been granted in advance by the Director, Office of Personnel Management, or his designee, and the employee has been notified in writing of the approval. This permission will be granted in accordance with the following policies, procedures, and limitations:

(i) In considering requests for outside employment, the following criteria will be applied—the provisions of applicable law; the regulations and policies incorporated in this part including the possibility of conflicts of interest; the general attendance record of the employee; the nature of his official duties in relation to the nature of the duties which will comprise the outside employment; the financial need or other justification for such outside employment; and the amount of time and hours of work required by the outside employment.

(ii) An employee will request permission to engage in outside employment by executing, in full, Form GAO 256 (Rev. 10/67) and forwarding it through his immediate supervisor to the head of his division or office.

(iii) The head of division or office will upon receipt of a fully executed Form GAO 256 (Rev. 10/67) evaluate the request in light of existing law, and policies and regulations provided by this part. Should the request be found proper and in the best interests of the Office and not in violation of law, regulations, and policies, the head of the division or office will transmit the request with his favorable recommendation to the Director, Office of Personnel Management. If the head of division or office finds otherwise, he will recommend that the request be denied, record his reasons, and transmit the request and related papers to the Director, Office of Personnel Management.

(iv) The Director, Office of Personnel Management, or his designee, will review requests to engage in outside employment including the recommendation of the head of division or office for proper, fair, and uniform application of this part. If the head of division or office and the Director, Office of Personnel Management, or his designee, agree, the request may be officially approved or disapproved and the employee will be notified. If they do not agree, the request and all recommendations will be submitted to the Comptroller General for ultimate determination. The Comptroller General will thereupon consider the entire record, make the final determination, and cause the employee to be notified.

(v) Grants of permission to engage in outside employment will normally expire 3 calendar years from the date of last issue, unless sooner revoked or modified. Permission to engage in outside employment, which is about to expire, wil be considered for renewal upon receipt of a request on Form GAO 256 (Rev. 10/67). Procedures for renewal will be the same as those for original application and should be made, if continuity

of permission is desired, from 30 to 60 days before the expiration of current permission.

(vi) Permission to engage in outside employment extends only to the specific employment described in the request considered. New requests must be made in writing in accordance with these procedures to cover any changes or modifications in outside employment.

(vii) An employee with permission to engage in outside employment will not hold himself out to the public as an attorney or accountant by such means as: Placing his name on an office door; having his name listed in the classified section of the telephone directory; or using business stationery with his name on letterheads or envelopes.

(viii) Permission to engage in outside employment will not be granted for the purpose of representing clients in court or before Government agencies except in rare cases when permission may be granted for specific appearances.

(ix) An employee may be permitted to engage in income tax work and to sign income tax returns as a preparer provided: The taxpayer has no Government contracts and has no business with the U.S. Government; the employee does not in any manner intercede with or appear for the taxpayer before the Internal Revenue Service, the courts, or other Government body; the employee is not engaged in the audit of the Internal Revenue Service by the General Accounting Office.

(x) An employee may not use his employment with the General Accounting Office as a means of soliciting or obtaining outside employment.

(xi) An employee may not engage in outside employment while he is on sick leave from his duties. Deviations from this policy may be permitted in rare instances when prior approval is obtained from the Director, Office of Personnel Management, upon favorable recommendation from the head of division or office involved.

(xii) Employees in grades GS–13 and higher will not, normally, be given permission to engage in outside employment. Exceptions will be made for good and sufficient reasons, such as where a critical need exists for additional income by the employee or where the employment is found to be in the public interest in terms of opportunity for valuable experience beneficial both to the employee and to the General Accounting Office. Each request for an exception under this paragraph shall be in sufficient detail to permit a judgment that it is merited. If an exception is made for employees in grade GS–13 and higher, permission will be granted for 1-year intervals.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

5. Section 6.28 is revised to read:

§ 6.28 Articles and speeches.

Employees who prepare, with or without compensation, articles for publication and speeches for delivery shall submit drafts thereof to their respective heads of division or office prior to publication or delivery when:

(a) Any reference is made or to be made to the employee's employment by the General Accounting Office.

(b) The subject of the article or speech concerns the work of the General Accounting Office.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

6. Section 6.29 is revised to read:

§ 6.29 File of articles and speeches.

The General Accounting Office Library maintains a permanent file of all published articles and speeches by employees of the General Accounting Office. In order that this file be complete and current, each employee who has had an article published or has made a speech, shall send two copies thereof to the Library.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

7. Section 6.42 is revised to read:

§ 6.42 Employee's complaint on filing requirement.

An employee who feels that this position has been improperly included by this part as one requiring the submission of a statement of employment and financial interests may obtain a review of that decision by filing a grievance with the Comptroller General under paragraphs 9 and 10 of Comptroller General's Order No. 1.27.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

8. Section 6.43 is revised to read:

§ 6.43 Where to submit statements.

(a) The Comptroller General will file a statement of employment and financial interests (GAO Form 310) with the Director, Office of Personnel Management, who will retain it with other such statements. The Assistant Comptroller General, the Assistant to the Comptroller General, the Special Assistant to the Comptroller General, the Information Officer, and the heads of divisions or offices will submit their statements of employment and financial interests (GAO Form 310) to the Comptroller General.

(b) Each employee required to submit a statement of employment and financial interests below the level of head of division or office will submit his statement (GAO Form 310) to the head of his division or office.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C 201–218)

9. Section 6.48(b) is revised to read:

§ 6.48 Information not required.

* * * * *

(b) An employee need not report on his statements of employment and financial interests shares of widely held diversified mutual funds or regulated investment companies in which he does not serve as director, officer, partner, or advisor. The indirect interest in business entities which the holder of shares in a widely diversified mutual fund or regulated investment company derives from ownership by the fund or investment company of stocks in business entities is considered too remote or inconsequential to affect the integrity of the employee's services.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–218)

10. Section 6.49 is revised to read:

§ 6.49 Confidentiality of statements.

Statements of employment and financial interests and supplementary statements shall be retained in a confidential file secured in an appropriate manner by the Director, Office of Personnel Management. No persons other than the Comptroller General, the Assistant Comptroller General, the head of division or office as to employees or special Government employees under his direction, the counselor for the General Accounting Office, or the Director, Office of Personnel Management, shall have access to such statements and then only to carry out the purposes of this part. No disclosure of information shall be made from such statements except as specifically authorized by the Comptroller General for good cause shown.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–18)

11. Section 6.52 is revised to read:

§ 6.52 Findings of no conflict of interest.

If the head of division or office and the counselor for the General Accounting Office agree that there are no conflicts of interest or apparent conflicts of interest in individual cases, the matter will be considered resolved until other information on the case becomes available or circumstances change.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–18)

12. Section 6.55 is revised to read:

§ 6.55 Specific provisions for special Government employees.

Except as provided in § 6.56, each special Government employee, by the use of GAO Form 311 (Rev. Sept. 67), shall submit a statement of employment and financial interests which reports:

(a) All other employment; and

(b) The financial interests of the special Government employee as indicated on GAO Form 311. A special employee need not report financial interests in widely held diversified mutual funds or regulated investment companies in which he does not serve as director, officer, partner, or advisor.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201–18)

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[F.R. Doc. 69–15164; Filed, Dec. 19, 1969; 8:48 a.m.]

SUBCHAPTER G—STANDARDS FOR WAIVER OF CLAIMS FOR ERRONEOUS PAYMENT OF PAY

PART 91—STANDARDS FOR WAIVER

PART 92—PROCEDURE

PART 93—EFFECT OF WAIVER

Redesignation of Parts

CROSS REFERENCE: For a document redesignating Chapter III of Title 4 as Subchapter G of Chapter I of Title 4 and redesignating Parts 201, 202, and 203 as Parts 91, 92, and 93, respectively, see F.R. Doc. 69-15163, Chapter III of this title, *infra*.

Chapter III—Standards for Waiver of Claims for Erroneous Payment of Pay (General Accounting Office)

PART 201—STANDARDS FOR WAIVER

PART 202—PROCEDURE

PART 203—EFFECT OF WAIVER

Redesignation of Parts

The regulations appearing in Chapter III of Title 4 are hereby redesignated as Subchapter G in Chapter I of Title 4; and Parts 201, 202, and 203 are redesignated as Parts 91, 92, and 93, respectively, Chapter III of Title 4 is vacated.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[F.R. Doc. 69-15163; Filed, Dec. 19, 1969; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Miscellaneous Amendments

Subpart C of Part 213 is amended—(1) to revoke the excepting authorities in §§ 213.3205(b) and 213.3214(c); (2) to revoke the following excepting authorities so that exceptions for the positions covered may be authorized within the Department of Transportation: §§ 213.3105(c) (1) and (2), 213.3112(h), 213.3114(f), 213.3152, and 213.3157; and (3) to authorize Schedule A exceptions within the Department of Transportation for the positions covered by the authorities revoked in (2).

SCHEDULE A

§ 213.3105 Treasury Department.

* * * * *

(c) [Revoked]

* * * * *

§ 213.3112 Department of the Interior.

* * * * *

(h) [Revoked]

* * * * *

§ 213.3114 Department of Commerce.

* * * * *

(f) [Revoked]

* * * * *

§ 213.3152 [Revoked]

§ 213.3157 [Revoked]

§ 213.3194 Department of Transportation.

(a) *Coast Guard.* * * *

(2) Lamplighters.

(3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Conn.

(b) *The Alaska Railroad.* * * *

(2) The General Manager.

(3) The Assistant General Manager.

(c) *Federal Highway Administration.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS-5 for subprofessional engineering aide work on the highway surveys and constructions projects, for not to exceed 180 working days a year, when in the opinion of the Commission appointment through competitive examination is impracticable.

(d) *Federal Aviation Administration.* (1) Caretakers and Light Attendants employed on emergency fields and other air navigation facilities who are paid on a fee basis.

(2) Medical Officer positions on Wake Island.

(3) Laborer positions on Swan Island.

(e) *St. Lawrence Seaway Development Corporation.* (1) Assistant Manager, Seaway International Bridge.

SCHEDULE B

§ 213.3205 Treasury Department.

* * * * *

(b) [Revoked]

* * * * *

§ 213.3214 Department of Commerce.

* * * * *

(c) [Revoked]

* * * * *

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

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

[F.R. Doc. 69-15145; Filed, Dec. 19, 1969; 8:48 a.m.]

PART 870—REGULAR LIFE INSURANCE

Exclusions

The life insurance regulations are hereby amended to provide coverage for Presidential Appointees appointed to fill an unexpired term. Effective on publication in the FEDERAL REGISTER § 870.202 (a) (1) is amended as set out below.

§ 870.202 Exclusions.

(a) * * *

(1) An employee serving under appointment limited to one year or less, except an employee so appointed for full-time employment or part-time employment with a regular tour of duty without break in service or after a separation of 3 days or less, following service in which he was insured, an acting postmaster, and a Presidential appointee appointed to fill an unexpired term.

* * * * *

(5 U.S.C. 8716)

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

[F.R. Doc. 69-15146; Filed, Dec. 19, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION

[Amdt. 8]

PART 250—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES FOR SCHOOL LUNCH PROGRAMS, TRAINING STUDENTS IN HOME ECONOMICS, SUMMER CAMPS FOR CHILDREN, AND RELIEF PURPOSES, AND IN STATE CORRECTIONAL INSTITUTIONS FOR MINORS

Availability of Commodities and Operating Expense Funds

The regulations for the operation of the Commodity Distribution Program (31 F.R. 14297) are hereby amended as follows:

1. In § 250.4 a new sentence is added to paragraph (a) as follows:

§ 250.4 Availability of commodities.

(a) *Distribution and use of commodities.* * * * In areas where a Food Stamp Program (7 CFR Parts 1600-1603) is in effect, there shall be no distribution of commodities to households under this part except during emergency situations caused by a national or other disaster as determined by the Secretary.

* * * * *

2. The following new section is added:

§ 250.15 Operating expense funds for expanding and improving distribution to households.

(a) *Purpose.* To expand and improve commodity distribution to households, payments will be made to States to assist them in meeting operating expenses in (1) starting commodity distribution programs for needy persons in households located in any political or geographic area or portion thereof in a State where neither a Commodity Distribution

Program nor a Food Stamp Program is available, (2) increasing the availability and quality of existing commodity distribution programs for households, (3) encouraging low-income households, including special groups such as the aged and infirm, Indians, and migrants, to participate in commodity distribution programs for households, and (4) coordinating educational efforts in nutrition for the benefit of households participating in commodity distribution programs.

(b) *Use of funds.* State distributing agencies shall use funds received under this section to accomplish the purposes specified in paragraph (a) of this section in the listed order of priority. Such funds may be used for any operating expenses directly incurred in distributing commodities to households, including determining eligibility, except the purchase cost of land and buildings. In no event shall such funds be used to pay any portion of any expenses if reimbursement or payment therefor is claimed or made available from any other Federal sources, nor shall such funds be used to reduce the amount of funds derived from State or local government sources used in distributing commodities to households. When any part of the funds received under this section is used for salaries of persons employed by the State distributing agency, such salaries shall be those established under the State's merit system (where there are no positions classified and salary rates established for persons employed by the State distributing agency, the rates shall be those of positions requiring comparable skills and responsibility under the State's merit system and the State shall arrange to classify distributing agency positions under the State's merit system as soon as practicable). Salaries paid persons employed other than at the State level shall be commensurate with, and not in excess of, those paid for comparable positions or work in local government in the same geographic area; however, no person employed shall be paid less than the Federal minimum wage scale.

(c) *Reserve of funds.* The Department shall reserve funds authorized for the purpose of this section for any fiscal year for its use and for use within States, as follows:

(1) Five percent of the total funds authorized shall be reserved for use by Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands. Division of this portion of the funds shall be made among such States on such basis as FNS determines will effectuate the purpose of this section.

(2) From the remainder of the funds authorized, ten percent shall be reserved for use by FNS to meet emergencies and contingencies.

(3) The remainder of the funds authorized shall be reserved for division among States, other than those specified in (1) of this paragraph, in which there are or may be programs of commodity distribution to households. The amount of the funds available for each such State shall be established by dividing ten percent of such remaining funds equally among such States and dividing the remainder among such States on the basis of two factors: (i) State per capita income as related to the national per capita income, and (ii) the number of poor in each State, as determined by FNS, who do not reside in areas where a Food Stamp Program operates or is approved for operation by the Secretary, or in areas where distribution is made by the Department or is financially assisted with funds made available under Part 251 of this chapter, as related to the total number of poor in the United States who do not reside in such areas.

(4) If any agreement under a program of financial assistance conducted under Part 251 of this chapter or any commodity distribution program operated by the Department is terminated prior to the end of the Federal fiscal year 1970, and the Food Stamp Program will not be administered within the same area in which such terminated program was conducted, any amounts which would have been paid to the State distributing agency or any other distributing agency or recipient agency within the State under the terms of any such terminated agreement, or which would have been expended by the Department for the operation of any such terminated commodity distribution program in the State, shall be added to the amount of funds available to such State under subparagraph (3) of this paragraph.

(5) The reservation of funds under this paragraph shall not be regarded as conveying to any State a vested right to any fixed amount of funds.

(d) *Notification of availability.* As soon as practicable after funds for the purpose of this section are made available, written notification of the amount of funds available and the period for which they are available shall be given to the distributing agency of each State for which such funds are available. The notice shall include instructions for requesting payment.

(e) *Payment of funds.* Upon receiving notification of the amount of funds available to it, each State distributing agency shall estimate and advise FNS what amount will be needed during a 3-month period. FNS will, upon concurrence, make monthly advances of funds based on such estimate. For each subsequent month, each State distributing agency shall estimate and advise FNS on Form FNS-60 what amount of funds will be needed during such month, and FNS will, upon concurrence, make a monthly advance based on such estimate.

(f) *Agreements.* Each State distributing agency which desires to receive funds under this section shall execute and submit to the appropriate FNS Regional Office a letter of acceptance, agreeing to expend any funds received solely for the purpose of this section and to furnish reports under this part, and agreeing to amendment of the existing agreement between the State distributing agency and the Department to incorporate contractual provisions required in Government contracts, including the Equal Opportunity clause (section 202 of Executive Order No. 11246 of Sept. 24, 1965) and provisions required by the Contract Work Hours Standards Act (40 U.S.C. 327–330) and the Service Contract Act of 1965 (41 U.S.C. 351–357).

(g) *Records, reports, audits.* State distributing agencies shall (1) maintain, and retain for three years from the close of the Federal fiscal year to which they pertain, complete and accurate records of all amounts received and disbursed under this section, (2) keep such accounts and records as may be necessary to enable FNS to determine whether there has been compliance with this section, and (3) permit representatives of the Department and of the General Accounting Office of the United States to inspect, audit, and copy such records and accounts at any reasonable time. State distributing agencies shall submit monthly reports on Form FNS-60, covering expenditures made from funds received under this section. Such reports shall be submitted to the FNS Regional Offices. In addition, State distributing agencies receiving funds under this section shall submit any other reports in such form as may be required from time to time by the Department.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment shall be effective on publication in the FEDERAL REGISTER.

Dated: December 16, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-15144; Filed, Dec. 19, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-EA-115]

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

Alteration of Federal Airway Segment

On October 8, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15600) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate VOR Federal airway No. 29 segment between Salisbury, Md., and Kenton, Del.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V–29 is amended by deleting all between "Salisbury, Md.;" and "New Castle, Del.;" and substituting "Kenton, Del., including a West alternate via INT Salisbury 340° and Kenton 217° radials;" therefor.

(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 Washington, D.C., on December 12, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–15128; Filed, Dec. 19, 1969; 8:46 a.m.]

[Airspace Docket No. 69–CE–85]

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

Alteration and Designation of Federal Airway Segments

On October 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15759) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would extend V–434 and designate V–192 and V–251.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

1. V–192 is added to read:

V–192 From Champaign, Ill.; Terre Haute, Ind.

2. V–251 is added to read:

V–251 From Champaign, Ill.; Danville, Ill.; Lafayette, Ind.; Knox, Ind.

3. In V–434 all after "Moline, Ill.;" is deleted and "Peoria, Ill.; Champaign, Ill.; Indianapolis, Ind." is substituted therefor.

(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 Washington, D.C., on December 12, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–15129; Filed, Dec. 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69–EA–107]

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

Alteration of Transition Area

On page 17178 of the FEDERAL REGISTER for October 23, 1969, the Federal Aviation Administration published a proposed rule which would alter the Skaneateles, N.Y., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., February 5, 1970.

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

Issued in Jamaica, N.Y., on December 9, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Skaneateles, N.Y., transition area, "2 miles each side of the Syracuse VORTAC 215° radial", and all thereafter, and insert the following in lieu thereof, "3.5 miles each side of the Syracuse VORTAC 215° radial extending from the 5-mile radius area to 13 miles southwest of the Syracuse VORTAC, excluding the portion that coincides with the Syracuse, N.Y., transition area".

[F.R. Doc. 69–15130; Filed, Dec. 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69–EA–114]

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

Alteration of Transition Area

On page 17178 of the FEDERAL REGISTER for October 23, 1969, the Federal Aviation Administration published a proposed rule which would alter the Errol, N.H. transition area (34 F.R. 9853, 17178).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., February 5, 1970.

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

Issued in Jamaica, N.Y., on December 9, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Errol, N.H., transition area, "within 2 miles" and insert "within 2.5 miles" in lieu thereof.

[F.R. Doc. 69–15131; Filed, Dec. 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69–EA–119]

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

Designation of Transition Area

On page 17180 of the FEDERAL REGISTER for October 23, 1969, the Federal Aviation Administration published a proposed rule which would designate a 700-foot transition area over Danielson Airport, Danielson, Conn.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. The final approach course for VOR–1 procedures has been refined by 1° which requires a 1° change in the 196° to 197°. This amendment is minor in nature and therefore notice and public procedure are unnecessary.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., February 5, 1970.

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

Issued in Jamaica, N.Y., on December 9, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Danielson, Conn., Transition Area described as follows:

DANIELSON, CONN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°49'10" N., 71°54'05" W., of Danielson Airport, Danielson, Conn.; within 2 miles each side of the runway 13 centerline, extended from the 5-mile radius area to 7.5 miles southeast of the end of the runway; within 2 miles each side of the runway 31 centerline, extended from the 5-mile radius area to 7.5 miles northwest of the end of the runway; and within 3 miles each side of the Putnam VORTAC 197° radial, extending from the 5-mile radius area to 2 miles south of the VORTAC.

[F.R. Doc. 69–15132; Filed, Dec. 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69–EA–146]

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

Revocation of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Clarion, Pa. (34 F.R. 4664), transition area.

The VOR standard instrument approach procedure for Rhea Airport, Clarion, Pa., has been canceled, thereby withdrawing the need for the transition area.

Since the amendment will relieve a restriction and impose no burden on any person, notice and public procedure

herein are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, § 71.181 of Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 11, 1969 as follows:

1. Revoke the Clarion, Pa., transition area.

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

Issued in Jamiaca, N.Y., on December 9, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-15133; Filed, Dec. 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-154]

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

Revocation of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Weirwood, Va. (34 F.R. 4782), transition area.

The VOR-1 instrument approach procedure for Kellam Field, Weirwood, Va., will be canceled effective December 25, 1969, thereby withdrawing the need for the transition area.

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

In view of the foregoing, § 71.181 of Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 25, 1969 as follows:

1. Revoke the Weirwood, Va., transition area.

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

Issued in Jamaica, N.Y., on December 9, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-15134; Filed Dec. 19, 1969; 8:47 a.m.]

[Airspace Docket No. 69-PC-12]

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

Name Change of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the name of the Kamuela Airport to the Waimea-Kohala Airport.

The Kamuela control zone is described in § 71.171 (34 F.R. 12882) and the transition area is described in § 71.181 (34 F.R. 12882). In each description, reference is made to the Kamuela Airport and to the Kamuela control zone. Since the name of the Kamuela Airport was changed to Waimea-Kohala Airport by the Hawaii State Legislature at its 1969 session, it is necessary to alter the descriptions to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171, the name of the "Kamuela, Hawaii control zone" is changed to the "Waimea-Kohala, Hawaii control zone."

In the description of this control zone, the name "Kamuela Airport" is changed to "Waimea-Kohala Airport."

In § 71.181, the name of the "Kamuela, Hawaii transition area" is changed to the "Waimea-Kohala, Hawaii transition area." In the description of this transition area, the name "Kamuela Airport" is changed to "Waimea-Kohala Airport"; and the name of the "Kamuela control zone" is changed to the "Waimea-Kohala control zone."

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

Issued in Honolulu, Hawaii, on December 12, 1969.

PHILLIP M. SWATEK,
Director, Pacific Region.

[F.R. Doc. 69-15135; Filed, Dec. 19, 1969; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950——)

Subpart K—Employment, Wages, Self-Employment, Self-Employment Income

DOMESTIC SERVICE; MAXIMUM CREDITABLE EARNINGS; EMPLOYER'S PLAN OR SYSTEM; WAGES FOR SERVICEMEN

Subpart K of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations as amended (20 CFR Part 404) is amended as follows:

1. In § 404.1011, paragraphs (a) and (b) are revised to read as follows:

§ 404.1011 Family employment.

(a) Certain services are excepted from employment because of the existence of a family relationship between the employee and the individual employing him. The exceptions are as follows:

(1) Services performed by an individual in the employ of his or her spouse;

(2) (i) Services performed before 1961 by a father or mother in the employ of his or her son or daughter;

(ii) Services not in the course of the employer's trade or business performed after 1960 by a father or mother in the employ of his or her son or daughter;

(iii) Domestic service in a private home of the employer performed after 1960 by a father or mother in the employ of his or her son or daughter unless:

(*a*) The service was performed after December 31, 1967, and

(*b*) The employer is a surviving spouse or a divorced individual and has not remarried, or has a spouse living in the home where the services are performed who has a mental or physical condition which results in such spouse's being incapable of caring for a son, daughter, stepson, or stepdaughter of such employer for at least 4 continuous weeks in the calendar quarter in which the services are rendered, and

(*c*) The son, daughter, stepson, or stepdaughter of such employer is living in the home, and

(*d*) The son, daughter, stepson, or stepdaughter has not attained age 18 or has a mental or physical condition which requires the personal care and supervision of an adult for at least 4 continuous weeks in the calendar quarter in which the services are rendered.

(3) Services performed by a son or daughter under the age of 21 in the employ of his or her father or mother.

(b) Under paragraph (a) (1) and (2)(i) of this section, the exception is conditioned solely upon the family relationship between the employee and the individual employing him. Under paragraph (a)(2) (ii) and (iii) of this section, in addition to the family relationship, there is a further requirement that the services, performed after 1960, shall be services not in the course of the employer's trade or business or shall be domestic service in a private home of the employer. The terms "services not in the course of the employer's trade or business" and "domestic service in a private home of the employer" have the same meaning as when used in § 404.1027(j), except that it is immaterial under paragraph (a)(2) (ii) and (iii) of this section whether or not such services are performed on a farm operated for profit. Also under paragraph (a)(2)(iii) of this section, there must be a son, daughter, stepson, or stepdaughter of the employer living in the home, either under age 18 or having a mental or physical condition requiring personal care and supervision of an adult for at least 4 continuous weeks in the calendar quarter in which the service is rendered, and the employer is either a surviving spouse or unremarried divorced individual, or has a spouse living in the home having a mental or physical condition resulting in the spouse's being incapable of caring for the son, daughter, stepson, or stepdaughter for at least 4 continuous weeks in the same calendar quarter. Under paragraph (a)(3) of this section, in addition to the family

relationship, there is a further requirement that the son or daughter shall be under the age of 21, and the exception continues only during the time that the son or daughter is under the age of 21.

2. Paragraph (b)(3) of § 404.1026 is amended by adding subdivision (iii) to read as follows:

§ 404.1026 Wages.

* * * * *

(b) *When paid and received.* * * *

(3) * * *

(iii) If an employer pays cash remuneration to an employee for two or more of the types of services referred to in this subparagraph, the provisions of this subparagraph are to be applied separately to the amount of remuneration attributable to each type of service.

3. In § 404.1027, paragraphs (a), (b)(1), (i)(1), (p), and (q) are revised to read as follows:

§ 404.1027 Exclusions from wages.

(a) *Annual wage limitation.* (1) The term "wages" does not include that part of the remuneration paid by an employer to an employee within any calendar year:

(i) After 1950 and prior to 1955 which exceeds the first $3,600 of remuneration;

(ii) After 1954 and prior to 1959 which exceeds the first $4,200 of remuneration;

(iii) After 1958 and prior to 1966 which exceeds the first $4,800 of remuneration;

(iv) After 1965 and prior to 1968 which exceeds the first $6,600 of remuneration; or

(v) After 1967 which exceeds the first $7,800 of remuneration;

(exclusive of remuneration excepted from wages in accordance with paragraphs (b) through (t) of this section) paid within the calendar year by an employer to the employee for employment performed by him at any time after 1936.

(2) The annual wage limitation applies only if the remuneration received during any 1 calendar year by an employee for employment performed after 1936 exceeds such limitation. The limitation in such case relates to the amount of remuneration received during any 1 calendar year for employment after 1936 and not to the amount of remuneration for employment performed in any 1 calendar year.

Example. Employee A, in 1967, receives $7,000 from employer B in part payment of $8,000 due him from employment performed in 1967. In 1968 A receives from employer B the balance of $1,000 due him for employment performed in 1967, and thereafter in 1968 also receives $7,000 for employment performed in 1968 for employer B. The first $6,600 of the $7,000 received during 1967 is wages in 1967. The $1,000 received in 1968 for employment during 1967 is wages in 1968, as is also the first $6,800 paid of the $7,000 for employment during 1968 (the $1,000 for 1967 employment added to the first $6,800 paid for 1968 employment constitutes the maximum remuneration which could be creditable as wages to A in 1968). The final $200 received by A from B in 1968 is not included as wages.

(b) *Payments under employer's plans or systems.* (1) The term "wages" does not include the amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents):

(i) On account of an employee's retirement; sickness or accident disability of an employee or any of his dependents; medical or hospitalization expenses in connection with sickness or accident disability of an employee or any of his dependents; or death of an employee or any of his dependents; or

(ii) Upon or after the termination of an employee's employment relationship because of death, retirement for disability, or retirement after attaining an age specified in such a plan or in a pension plan of the employer, other than any such payment or series of payments which would have been paid if the employee's relationship had not been so terminated.

* * * * *

(i) *Payments other than in cash for certain types of services.* (1) The term "wages" does not include remuneration paid in any medium other than cash:

(i) For services not in the course of the employer's trade or business;

(ii) For domestic service in a private home of the employer; or

(iii) For agricultural labor.

For provisions relating to tips paid in a medium other than cash, see paragraph (p) of this section. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any medium other than cash, such as lodging, food, clothing, car tokens, transportation passes or tickets, farm products, or other goods or commodities, for services of the prescribed character does not constitute wages. Remuneration paid in any medium other than cash for services other than those mentioned in subdivisions (i), (ii), and (iii) of this subparagraph does not come within this exclusion from wages.

* * * * *

(p) *Tips.* The term "wages" does not include remuneration received by an employee after December 1965 in the form of tips if:

(1) The tips are paid in any medium other than cash; or

(2) The cash tips received by an employee in any calendar month in the course of his employment by an employer are less than $20. If the cash tips received by an employee in a calendar month after December 1965 in the course of his employment by an employer amount to $20 or more, none of the cash tips received by the employee in such calendar month are excluded from the term "wages" under this section. The cash tips to which this section applies include checks and other monetary media of exchange. Tips received by an employee in any medium other than cash, such as passes, tickets, or other goods or commodities do not constitute wages. If an employee in any calendar month performs services for two or more employers and receives tips in the course of his employment by each employer, the $20 test is to be applied separately with respect to the cash tips received by the employee in respect of his services for each employer and not to the total cash tips received by the employee during the month. As to the time tips are deemed paid, see § 404.1026(d). For provisions relating to the treatment of tips received by an employee prior to 1966, see § 404.1027(t)(3).

(q) *Payments to members of the uniformed services.* (1) Except as provided in subparagraph (2) of this paragraph, the term "wages" as applied to remuneration for services by a member of the uniformed services of the United States does not include any remuneration for such services other than his basic pay as described in section 102(10) of the Servicemen's and Veterans' Survivor Benefits Act (Public Law 881, 84th Cong., 38 U.S.C. 401(1), 403; 72 Stat. 1126).

(2) In each calendar quarter occurring after 1967 in which an individual is paid wages for service as a member of a uniformed service, he is deemed to have been paid wages (in addition to the wages actually paid to him for such service) of:

(i) $100 if the wages actually paid to him in such quarter for such services were $100 or less;

(ii) $200 if the wages actually paid to him in such quarter for such services were $100 but not more than $200; or

(iii) $300 in any other case.

(Secs. 205, 206, and 1102, 53 Stat. 1368, as amended, 53 Stat. 1372, as amended, 49 Stat. 647, as amended, 79 Stat. 332; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 406, and 1302)

4. *Effective date.* Except as otherwise specifically stated these amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: November 28, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: December 16, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-15168; Filed, Dec. 19, 1969; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 885—APPOINTMENT OF OFFICERS IN THE REGULAR AIR FORCE

How To Apply

Part 885 is amended by redesignating the first footnote 1, appearing at the end of column 3, at 34 F.R. 18163, as paragraph (d) to § 885.14. Footnotes 2 and 3 which follow the redesignated footnote 1

should be renumbered footnotes 1 and 2 (see § 885.14(c).)

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-15111; Filed, Dec. 19, 1969; 8:45 a.m.]

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

DELETION OF SUBCHAPTER

Subchapter W of Chapter VII of Title 32 of the Code of Federal Regulations is being superseded in increments by the Headquarters U.S. Air Force Supplement to the Armed Services Procurement Regulations. Subchapter W is therefore deleted from the Code of Federal Regulations. As each increment of the Hq USAF Supplement is issued it will be published, as soon as practicable, in the FEDERAL REGISTER and codified in the Code of Federal Regulations, Title 32, Chapter VII, Subchapter W. The Armed Services Procurement Regulations are codified in Title 32, Chapter I, Subchapter A of the Code of Federal Regulations and are the primary Department of Defense regulations relating to procurement policies and procedures.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-15117; Filed, Dec. 19, 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 F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

Effective on date of publication hereof in the FEDERAL REGISTER, § 121.2566 is republished in its entirety as follows for codification purposes. No substantive changes are made hereby.

§ 121.2566 Antioxidants and/or stabilizers for polymers.

The substances listed in paragraph (b) of this section may be safely used as antioxidants and/or stabilizers in polymers used in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section:

(a) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect.

(b) List of substances:

	Limitations
N-n-Alkyl - *N'* - (carboxymethyl) - *N,N'* - trimethylenediglycine; the alkyl group is even numbered in the range C_{14}–C_{18} and the nitrogen content is in the range 5.4–5.6 weight percent.	For use only: 1. As component of nonfood articles complying with §§ 121.2520 and 121.2562. 2. At levels not to exceed 1.35 percent by weight of natural rubber, butadiene-acrylonitrile, butadiene-acrylonitrile-styrene, and butadiene-styrene polymers that are used in contact with nonalcoholic food at temperatures not to exceed room temperature and that are employed in closure-sealing gaskets complying with § 121.2550 or in coatings complying with § 121.2514, § 121.2526, or § 121.2569. The average thickness of such coatings and closure-sealing gaskets shall not exceed 0.004 inch.
p-tert-Amylphenolformaldehyde resins produced when one mole of *p-tert*-amylphenol is made to react under acid conditions with one mole of formaldehyde.	For use only at levels not to exceed 2.1% by weight of polyamide resins that are: 1. Derived from dimerized vegetable oil acids (containing not more than 20% of monomer acids) and ethylenediamine. 2. Used in compliance with regulations in this Subpart F.
2,6-Bis(1-methylheptadecyl)-*p*-cresol.	For use only at levels not exceeding 0.3 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4. The average thickness of such polymers in the form in which they contact fatty food or food containing more than 8 percent of alcohol shall not exceed 0.004 inch.
1,3-Butanediol	
Butylated, styrenated cresols produced when equal moles of isobutylene, styrene, and a metacresol-paracresol mixture having a no more than 3° C. distillation range including 202° C. are made to react so that the final product meets the following specifications: Not less than 95 percent by weight of total alkylated phenols consisting of 13–25 percent by weight of butylated *m*- and *p*-cresols, 26–38 percent by weight of styrenated *m*- and *p*-cresols, 37–49 percent by weight of butylated styrenated *m*- and *p*-cresols, and not more than 10 percent by weight total of alkylated xylenols, alkylated *o*-cresol, alkylated phenol, and alkylated ethylphenol; acidity not more than 0.003 percent; and refractive index at 25° C. of 1.5550–1.5650, as determined by ASTM Method D 1218–61.	For use only: 1. As provided in §§ 121.2520 and 121.2562. 2. At levels not to exceed 0.5 percent by weight of polystyrene, rubber-modified polystyrene, or olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4, or complying with other sections in this Subpart F, used in articles that contact food only under the conditions described in § 121.2526(c), table 2, under conditions of use C through G.
2 - *tert* - Butyl - *a*(3 - *tert*-butyl-4-hydroxyphenyl)-*p*-cumenyl bis(*p*-nonylphenyl) phosphite; the nonyl group is a propylene trimer isomer and the phosphorous content is in the range 3.8–4.0 weight percent.	For use only: 1. As components of nonfood articles complying with §§ 121.2520 and 121.2562. 2. At levels not to exceed 1.35 percent by weight of natural rubber, butadiene-acrylonitrile, butadiene-acrylonitrile-styrene, and butadiene-styrene polymers that are used in contact with nonalcoholic food at temperatures not to exceed room temperature and that are employed in closure-sealing gaskets complying with § 121.2550 or in coatings complying with § 121.2514, § 121.2526, or § 121.2569. The average thickness of such coatings and closure-sealing gaskets shall not exceed 0.004 inch.
4,4'-Butylidenebis(6-*tert*-butyl-*m*-cresol)	For use only: 1. As provided in §§ 121.2520 and 121.2562. 2. At levels not to exceed 0.5% by weight of polypropylene complying with § 121.2501 and for use at levels not to exceed 0.3% by weight of polyethylene complying with § 121.2501, provided that the finished polypropylene and polyethylene contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, VI–B, and VIII.
Calcium benzoate	

	Limitations
Calcium myristate	
Calcium stearate	
4,4'-Cyclohexylidenebis(2-cyclohexylphenol)	For use only at levels not to exceed 0.1 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4: *Provided*, That the finished polymers contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, IV–B, VI, VII–B, and VIII.
Dimyristyl thiodipropionate having a melting point of 48°–50° C. as determined by ASTM Method E–324 and a saponification equivalent in the range 280–290 as determined by ASTM Method D–1962.	Finished food-contact articles containing this additive shall meet the extractives limitations prescribed in § 121.2526(c).
N,N'-Diphenylthiourea	For use only: 1. At levels not to exceed 0.5 percent by weight of polyvinyl chloride and/or vinyl chloride copolymers complying with § 121.2521. 2. At levels not to exceed 0.5 percent by weight of vinyl chloride-vinyl acetate copolymers containing not more than 20 molar percent of vinyl acetate.
Hydrogenated 4,4'-isopropylidenediphenol-phosphite ester resins produced by the condensation of 1 mole of triphenyl phosphite and 1.5 moles of hydrogenated 4,4'-isopropylidenediphenol such that the finished resins have a molecular weight in the range of 2,400–3,000, a phosphorous content of 6.5–6.9 percent, and contain no more than 2.2 percent by weight of residual free phenol.	For use only at levels not to exceed 0.55 percent by weight vinyl chloride copolymers complying with § 121.2521 and/or polyvinyl chloride when such vinyl chloride homo- and/or copolymers are used in the manufacture of rigid vinyl chloride plastic bottles intended for contact with edible oils (including edible oil in simple mixture or emulsion form), all types of dressings for salads, and food of types VIII and IX described in table 1 of § 121.2526(c). The finished food-contact article containing this stabilizer, when extracted with distilled water at 135° F. for 1 week (168 hours), using a volume-to-surface ratio of 5 milliliters per square inch of surface tested, shall yield extracted phenol not to exceed 0.008 milligram per square inch of food-contact surface and shall yield extracted organophosphates (total phosphates minus inorganic phosphates) not to exceed 0.0001 milligram per square inch of food-contact surface.
2(2'-Hydroxy-5'-methylphenyl)benzotriazole meeting the following specification: Melting point 126°–132° C.	For use only: 1. As component of nonfood articles complying with § 121.2591. 2. At levels not to exceed 0.25 percent by weight of rigid polyvinyl chloride and/or rigid vinyl chloride copolymers complying with § 121.2521 when such vinyl chloride homo- and/or copolymers are used in contact with nonfatty food.
2-Hydroxy-4-*n*-octoxy-benzophenone	For use only at levels not to exceed 0.5 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4: *Provided*, That the finished polymer contacts food only of the types identified in § 121.2526(c), table 1, under categories I, IV–B, VII–B, and VIII, and under the conditions of use B through H described in table 2 of § 121.2526(c).
Magnesium salicylate	For use only in rigid polyvinyl chloride and/or in rigid vinyl chloride copolymers complying with § 121.2521: *Provided*, That total salicylates (calculated as the acid) do not exceed 0.3 percent by weight of such polymers.
2,2'-Methylenebis (6-*tert*-butyl-4-ethylphenol).	For use only in acrylonitrile–butadiene–styrene copolymers at levels not to exceed 0.6 percent by weight of the copolymer.
4,4' Methylenebis (2,6-di-*tert*-butylphenol)	For use only: 1. As provided in § 121.2520. 2. At levels not to exceed 0.25 percent by weight of petroleum hydrocarbon resins used in compliance with regulations in this Subpart F. 3. At levels not to exceed 0.25 percent by weight of terpene resins used in compliance with regulations in this Subpart F. 4. At levels not to exceed 0.5 percent by weight of polyethylene complying with § 121.2501: *Provided*, That the polyethylene end product contacts foods only of the types identified in categories I, II, IV–B, VI, VII–B, and VIII in table 1 § 121.2526(c). 5. At levels not to exceed 0.5 percent by weight of polybutadiene used in rubber articles complying with § 121.2562: *Provided*, That the rubber end product contacts foods only of the types identified in categories I, II, IV–B, VI, VII–B, and VIII in table 1, § 121.2526(c).
2,2'-Methylenebis[6-(1-methylcyclohexyl)-phenol].	For use only at levels not to exceed 0.1 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4 used in articles that contact food of the types identified in § 121.2526(c), table 1, under categories I, II, IV–B, VI, VII–B, and VIII.
2,2'-Methylenebis[6-(-methylcyclohexyl)-*p*-cresol].	For use only: 1. As provided in § 121.2550. 2. At levels not to exceed 0.2 percent by weight of polyethylene complying with § 121.2501: *Provided*, That the finished polyethylene contacts only of the type identified in § 121.2526(c), table 1, under categories I, II, VI–B, and VIII.

	Limitations
	3. In polyethylene complying with § 121.2501: *Provided*, That the finished polyethylene contacts foods only of the types identified in § 121.2526(c), table 1, under categories III, IV, V, VI–A, VII, and IX, and only at temperatures not to exceed room temperature: *And further provided*, That percentage concentration of the antioxidant in the polyethylene, when multiplied by the thickness in inches of the finished polyethylene, shall not be greater than 0.0005.
2,2' - Methylenebis(4-methyl-6-nonylphenol) and 2,6-bis(2-hydroxy-3-nonyl-5-methyl-benzyl)-*p*-cresol mixtures (varying proportions).	For use only in acrylonitrile-butadienestyrene copolymers used in contact with nonalcoholic foods.
Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate.	For use only at levels not to exceed 0.25 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4 and used for packaging food of the types identified in § 121.2526(c), table 1, under types I, II, IV–B, VI, VII–B, and VIII.
Pentaerythritol and its stearate ester	For use only in rigid polyvinyl chloride and/or in rigid vinyl chloride copolymers complying with § 121.2521: *Provided*, That the total amount of pentaerythritol and/or pentaerythritol stearate (calculated as free pentaerythritol) does not exceed 0.4 percent by weight of such polymers.
Poly(1,4 - cyclohexylenedimethylene - 3,3' - thiodipropionate) partially terminated with stearyl alcohol and produced when approximately equal moles of 1,4-cyclohexanedimethanol and 3,3'-thiodipropionic acid are made to react in the presence of stearyl alcohol so that the final product has an average molecular weight in the range of 1,800–2,200, as determined by vapor pressure osmometry, and has a maximum acid value of 2.5.	For use only: 1. In polypropylene complying with § 121.2501 (c), item 1.1, and used in contact with nonfatty, nonalcoholic food. 2. At levels not to exceed 0.5 percent by weight of polypropylene complying with § 121.2501(c), item 1.1, and used in contact with fatty, nonalcoholic food. The average thickness of such polymers in the form in which they contact fatty, nonalcoholic food shall not exceed 0.005 inch.
Tetrakis[methylene (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane.	For use only: 1. At levels not to exceed 0.5 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4. 2. At levels not to exceed 0.05 percent by weight of ethylene-methacrylic acid copolymers complying with § 121.2582 and ethylene-acrylic acid copolymers complying with § 121.2564. The average thickness of such copolymers in the form in which they contact food shall not exceed 0.005 inch.
4,4'-Thiobis(6-*tert*-butyl-m-cresol)	For use only: 1. As provided in §§ 121.2520 and 121.2562. 2. At levels not to exceed 0.25% by weight of polyethylene complying with § 121.2501: *Provided*, That the specific gravity of the polyethylene is not less than 0.926: *And further provided*, That the finished polyethylene contacts food only of the types identified in § 121.2526(c), table 1, under categories I, II, VI–B, and VIII.
Thiodipropionic acid	
1,3,5 - Trimethyl - 2,4,6 - tris (3,5-di-*tert*-butyl-4-hydroxybenzyl) benzene.	For use only: 1. At levels not to exceed 0.5 percent by weight of polymers except nylon resins identified in § 121.2502. 2. At levels not to exceed 1 percent by weight of nylon resins identified in § 121.2502.
Tri(mixed mono- and dinonylphenyl) phosphite (which may contain not more than 1% by weight of triisopropanolamine).	
Tris(2-methyl-4-hydroxy-5-*tert*-butylphenyl) butane.	For use only: 1. At levels not to exceed 0.25 percent by weight of polymers used as provided in § 121.2571. 2. At levels not to exceed 0.25 percent by weight of the following polymers when used in articles that contact food of types I, II, IV–B, VI–B, VII–B, and VIII described in table 1 of § 121.2526(c): Olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4 or complying with other sections in this Subpart F; vinyl chloride polymers; and/or vinyl chloride copolymers complying with § 121.2521. 3. At levels not to exceed 0.1 percent by weight of the following polymers when used in articles that contact food of types III, IV–A, V, VI–A, VI–C, VII–A, and IX described in table 1 of § 121.2526(c): Olefin polymers complying with § 121.2501 (c), items, 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4 or complying with other sections in this Subpart F; vinyl chloride polymers; and/or vinyl chloride copolymers complying with § 121.2521.
Zinc dibutyldithiocarbamate	For use only at levels not to exceed 0.2 percent by weight of isobutylene-isoprene copolymers complying with § 121.2590: *Provided*, That the finished copolymers contact food only of the types identified in § 121.2526(c), table 1, under types V, VII, VIII, and IX.
Zinc palmitate	

	Limitations
Zinc salicylate	For use only in rigid polyvinyl chloride and/or in rigid vinyl chloride copolymers complying with § 121.2521: *Provided*, That total salicylates (calculated as the acid) do not exceed 0.3 percent by weight of such polymers.
Zinc stearate	

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

Dated: December 12, 1969.

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

[F.R. Doc. 69-15042; Filed, Dec. 19, 1969; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5) Amdt. 17]

OI REG. 1—OIL IMPORT REGULATION

Miscellaneous Amendments

In view of the review of the oil import program being conducted by the Cabinet Task Force on Oil Import Controls this amendment provides for the making of contingent allocations of imports of crude oil, unfinished oils and finished products under sections 9, 10, 11, 13, 16, and 25 for the allocation period January 1, 1970–December 31, 1970, and sections 9, 10, 11, and 13 relating to allocations of crude oil, unfinished oils, and finished products in Districts I–IV and in District V have been revised in the light of the level of authorized imports established pursuant to section 2 of Proclamation 3279, as amended.

1. Notwithstanding the provisions of section 3 of Oil Import Regulation 1 (Revision 5), the Administrator shall make contingent allocations of imports of crude oil, unfinished oils and finished products under sections 9, 10, 11, 13, 16, and 25 for the 12-month period, January 1, 1970–December 31, 1970. The Administrator shall issue licenses under such contingent allocations only for the first 181 days of the allocation period. The issuance of licenses for the balance of the contingent allocations, covering the remaining 184 days of the allocation period, shall be dependent upon determinations made following the Task Force review. Under those allocations which have been made by the Oil Import Appeals Board and which continue from one allocation period to another, the Administrator shall issue licenses only for the first 181 days of the allocation period; the issuance of licenses for the remaining 184 days of the period shall be dependent upon determinations made following the Task Force review. Except for those allocations made to complete relief which could not be consummated in the 1969 allocation period from the quantities of oil made available to the Board, the Administrator shall issue licenses only for the first 181 days of the allocation period under allocations which have been made by the Oil Import Appeals Board to take effect in the allocation period January 1–December 31, 1970. The issuance of licenses for the remaining 184 days of the allocation period shall be dependent upon determinations made following the Task Force review. Also, all decisions which may be made by the Oil Import Appeals Board during the allocation period January 1–December 31, 1970, shall be dependent upon determinations made following the Task Force review. Accordingly, the Administrator shall issue licenses under such decisions only for the first 181 days of the allocation period.

2. Section 9 of Oil Import Regulation 1 (Revision 5) (33 F.R. 19178) is amended to read as follows:

SEC. 9 Allocations—crude and unfinished oils—petrochemical plants—Districts I–IV, District V.

(a) For the allocation period January 1, 1970 through December 31, 1970, each eligible person with a petrochemical plant in Districts I–IV shall receive an allocation of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in these districts during the year ending September 30, 1969, multiplied by 11.2 percent.

(b) For the allocation period January 1, 1970 through December 31, 1970, each eligible person with a petrochemical plant in District V shall receive an allocation of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in this district during the year ending September 30, 1969, multiplied by 11.9 percent.

(c) No allocation for Districts I–IV made pursuant to this section or section 25 shall entitle a person to a license which will allow the importation of unfinished oils in excess of 15 percent of the allocation, and no allocation for District V made pursuant to this section or section 25 shall entitle a person to a license which will allow the importation of unfinished oils in excess of 25 percent of the allocation. However, a person obtaining an allocation for imports of crude oil and unfinished oils pursuant to this section or section 25 may petition the Administrator to adjust the percentage of imports of unfinished oils upward to 100 percent of such person's allocation if the petitioner certifies that the imported unfinished oils will not be exchanged, that the oils will be processed entirely in the petitioner's own petrochemical plant, and that more than 50 percent of the yields (by weight) from the unfinished oils will be petrochemicals or that more than 75 percent (by weight) of recovered product output will consist of petrochemicals.

(d) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

3. Section 10 of Oil Import Regulation 1 (Revision 5) (33 F.R. 19179) is amended to read as follows:

SEC. 10 Allocations—crude and unfinished oils—refiners—Districts I–IV.

(a) For the allocation period January 1, 1970 through December 31, 1970, approximately 2,000 b/d of imports of crude oil and unfinished oils into Districts I–IV are made available to the Oil Import Appeals Board. The Administrator shall make, to eligible persons having refinery capacity in these districts, allocations of such imports for the allocation period as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1969, and computed according to the following schedule:

Average b/d input	Percent of inputs	Number of days
0—10,000 10—30,000 30—100,000 100,000 plus	× 19.5 11.0 7.0 3.0	× 365

(c) (1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 30 percent of the applicant's last allocation of imports of crude oil under that program expressed in average barrels daily multiplied by 365, the applicant shall receive an allocation under this section equal to 30 percent of his last allocation of imports of crude oil under that program expressed in average barrels daily multiplied by 365.

(2) If an applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program which reflected imports of crude oil that would now be exempt from restrictions pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, and if an allocation computed under paragraph (b) of this section would be less than 24.50 percent of the applicant's last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 365, the applicant shall receive an allocation under this section equal to 24.50

percent of his last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 365: *Provided, however,* That no further reduction shall be made in a historical allocation of the class mentioned in this subparagraph (2) if the reduction in percentage provided for in this subparagraph will result in a reduced historical allocation which is smaller than an allocation for this period would be if computed (for the purposes of comparison only) on the basis of a total of inputs to the applicant's refinery which includes inputs of crude oil and unfinished oils imported pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended.

(d) No allocation made pursuant to this section or section 25 shall entitle a person to a license which will allow the importation of unfinished oils in excess of 15 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

4. Section 11 of Oil Import Regulation 1 (Revision 5) (33 F.R. 19179) is amended to read as follows:

Sec. 11 Allocations—crude, and unfinished oils—refiners—District V.

(a) For the allocation period January 1, 1970 through December 31, 1970, approximately 500 b/d of imports of crude oil and unfinished oils into District V are made available to the Oil Import Appeals Board. The Administration shall make to eligible persons having refinery capacity in this district allocations of such imports for the allocation period as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1969, and computed according to the following schedule:

Average b/d inputs		Percent of inputs		Number of days
0—10,000 10—30,000 30—100,000 100,000 plus	×	40.0 9.3 4.3 1.9	×	365

(c) (1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 13.5 percent of the applicant's last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 365, the applicant shall receive an allocation under this section equal to 13.5 percent of his last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 365.

(2) If an applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program which reflected imports of crude oil that would now be exempt from restrictions pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, and if an allocation computed under paragraph (b) of this section would be less than 10 percent of the applicant's last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 365, the applicant shall, nevertheless, receive an allocation under this section equal to 10 percent of his allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 365: *Provided, however,* That no further reduction shall be made in a historical allocation of the class mentioned in this subparagraph (2) if the reduction in percentage provided for in this subparagraph will result in a reduced historical allocation which is smaller than an allocation for this period would be if computed (for the purposes of comparison only) on the basis of total inputs to the applicant's refinery which includes inputs of crude oil and unfinished oils imported pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended.

(d) No allocation made pursuant to this section or section 25 shall entitle a person to a license which will allow the importation of unfinished oils in excess of 25 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

5. Section 13 of Oil Import Regulation 1 (Revision 5) (33 F.R. 19179) is amended to read as follows:

Sec. 13 Allocations of finished products—Districts I–IV, Districts II–IV, District V.

(a) For the allocation period January 1, 1970 through December 31, 1970, 76,636 b/d of imports of finished products other than residual fuel oil to be used as fuel may be imported into Districts I–IV, and 6,813 b/d of imports of finished products other than residual fuel oil to be used as fuel may be imported into District V. Of these quantities, 10,000 b/d in Districts I–IV and 500 b/d in District V are reserved from allocation by the Administrator and made available to the Oil Import Appeals Board. 3,279 b/d shall be allocated in Districts I–IV by the Administrator in accordance with the decisions of the Oil Import Appeals Board. 15,000 b/d have been allocated pursuant to subparagraph (4) of paragraph (b) of section 3 of Proclamation 3279, as amended. The balance of imports of finished products other than residual fuel oil to be used as fuel, 48,357 b/d in Districts I–IV and 6,313 b/d in District V, and the quantity of imports of residual fuel oil to be used as fuel available for allocation in Districts II–IV and in District V for any particular allocation period, shall be allocated by the Administrator to each applicant eligible under paragraphs (c) and (d), respectively, of section 4 in the proportion that the applicant's imports of such products in the respective districts during the calendar year 1957 bore to the imports of such products during that year by all eligible applicants. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and for imports of finished products other than residual fuel oil to be used as fuel.

(b) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Because allocations of imports must be made and licenses issued by December 31, 1969, it is impracticable to give notice of proposed rule making on, or to delay the effective date of, this Amendment. Accordingly, this Amendment 17 is effective immediately.

WALTER J. HICKEL,
Secretary of the Interior.

DECEMBER 16, 1969.

[F.R. Doc. 69-15193; Filed, Dec. 18, 1969; 11:10 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 535—TRANSPORTATION OF MAIL BY AIR TAXI OPERATORS

Correction

In F.R. Doc. 69-15002, appearing at page 19803, in the issue of Thursday, December 18, 1969, the following material which was inadvertently omitted should be inserted on page 19804, column 3, between § 535.2(e)(1) and the subparagraph (2) which immediately follows:

(2) *Termination for violation.* (i) An operator will be terminated immediately if his operating certificate is revoked by the FAA.

(ii) Operators are subject to immediate termination if they fail to comply with the requirements of this part, or Form 2750, Request to Air Taxi Operator for Proposal to Transport Mail.

(iii) Notice provisions of subparagraph (1) of this paragraph shall not apply if termination is under conditions described in subdivisions (i) and (ii) of this subparagraph.

(iv) The Director, Logistics Division, will submit recommendations to the Department for discontinuance of operators who do not provide adequate aircraft and/or qualified pilots or fail to comply with prescribed FAA and POD safety requirements.

§ 535.3 Operator qualifications and requirements.

(a) *General*—(1) *Eligibility.* To be eligible to perform air taxi mail service, operators must have a valid ATCO certificate and appropriate operations specifications authorizing required categories, classes and condition for Airplane, Multi-Engine Land, VFR and IFR Day and Night Passengers and Cargo.

(i) The area of authorized operation must be sufficient to cover the complete route structure and reasonable alternate airports.

(ii) The effective date of the operations specifications must be in force 6 months or longer.

(iii) Operator must meet all requirements of 14 CFR, Part 135 and all other orders, rules and directives pertinent to these regulations. They must be in compliance with FAA order 8430.7 on or before the date they start operating a mail route.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Procurement of Lubricating Oils, Petroleum Fuels, Solvents, and Coal

Policy and procedures are provided governing the acquisition of certain lubricating oils, petroleum fuels, solvents, and coal through or from sources established by the Defense Supply Agency.

The table of contents for Part 101–26 is amended to read as follows:

Sec.
101–26.404 [Reserved]
101–26.504 [Reserved]
101–26.600 Scope and applicability of subpart.
101–26.602 Fuels and packaged petroleum products obtained from or through the Defense Supply Agency.
101–26.602–1 Procurement of lubricating oils, greases, and gear lubricants.
101–26.602–2 Procurement of packaged petroleum products.
101–26.602–3 Procurement of gasoline, fuel oil (diesel and burner), kerosene, and solvents.
101–26.602–4 Procurement of coal.
101–26.4902–211 [Deleted]
101–26.4902–212 [Deleted]
101–26.4902–213 [Deleted]
101–26.4902–222 [Deleted]
101–26.4904 Other agency forms.
101–26.4904–416 DD 416; Requisition for Coal, Coke, or Briquettes.
101–26.4904–1518 DFSC Form 15:18 covering initial submission of petroleum fuel requirements.
101–26.4904–1520 DFSC Form 15:20 covering initial submission of dry cleaning solvent.

Subpart 101–26.4—Purchase of Items From Federal Supply Schedule Contracts

1. Section 101–26.404 is revised to read as follows:

§ 101–26.404 [Reserved]

2. Sections 101–26.406–1 and 101–26.406–2(a) are revised to read as follows:

§ 101–26.406 U.S. Government National Credit Card for use in obtaining service station deliveries and services.

§ 101–26.406–1 General.

Standard Form 149, U.S. Government National Credit Card, is authorized for use by Federal agencies for obtaining authorized services and delivery of supplies at service stations dispensing supplies of the contractors listed in Defense Fuel Supply Center Contract Bulletin DSA600–3.33 in lieu of contractors listed in Federal Supply Schedule FSC Group 91, Part III. Activities requiring copies of the bulletin should submit requests to: Commander, Defense Fuel Supply Center, Attention: DFSC: PS, Cameron Station, Alexandria, Va. 22314.

§ 101–26.406–2 Billing code.

* * * * *

(a) The first three digits of the billing code will always be 000 or 002. The digits 002 are special account numbers and may not be used unless authorized by General Services Administration, Federal Supply Service, Procurement Operations Division—FPN, Washington, D.C. 20406. These digits signify to the contractors that a Federal contract is involved.

* * * * *

Subpart 101–26.5—GSA Procurement Programs

Section 101–26.504 is revised to read as follows:

§ 101–26.504 [Reserved]

Subpart 101–26.6—Procurement Sources Other Than GSA

Subpart 101–26.6 is amended by adding new §§ 101–26.600, 101–26.602–3, and 101–26.602–4 and by revising §§ 101–26.602, 101–26.602–1, and 101–26.602–2, as follows:

§ 101–26.600 Scope and applicability of subpart.

This subpart prescribes policy and procedures relating to procurement programs other than GSA procurement programs. The provisions of this Subpart 101–26.6 are applicable to executive agencies unless otherwise specifically indicated. Federal agencies, other than executive agencies, are encouraged to obtain their requirements in the same manner.

§ 101–26.602 Fuels and packaged petroleum products obtained from or through the Defense Supply Agency.

(a) Agencies shall be governed by the provisions of this § 101–26.602 in obtaining requirements of coal, petroleum fuels, and certain petroleum products from or through the Defense Supply Agency.

(b) The Defense Supply Agency has been assigned the supply responsibility for these materials which will be available either from contracts (or contracts summarized in contract bulletins) issued by the Defense Fuel Supply Center, Alexandria, Va., or through FEDSTRIP/MILSTRIP requisitions placed on the Defense General Supply Center, Richmond, Va., in accordance with instructions contained in § 101–26.602–2. Agencies submitting estimates of requirements which are summarized in the Defense Fuel Supply Center contract bulletins are obligated to procure such requirements from these contracts. Estimates submitted shall not include requirements normally obtained through service station deliveries utilizing the U.S. Government National Credit Card.

§ 101–26.602–1 Procurement of lubricating oils, greases, and gear lubricants.

(a) The Defense Fuel Supply Center will make annual procurements of lubricating oils, greases, and gear lubricants for ground type (nonaircraft) equipment and of aircraft engine oils on an annual program basis. Estimates of requirements for items covered by these programs will be solicited annually from agencies on record with the Defense Fuel Supply Center in time for the requirements to arrive at the Center on the following schedule:

	Purchase program	Due on or before
Lubricating oils (nonaircraft)	4.1	Dec. 1.
Aircraft engine oils	4.2	June 15.
Grease and gear oils	4.4	Oct. 15.

(b) Activities not on record but requiring procurement support shall submit requests to: Commander, Defense Fuel Supply Center, Attn: DFSC:PS, Cameron Station, Alexandria, Va. 22314, on or before the requirement due dates specified in § 101–26.602–1(a). Submission of requirements is not required if:

(1) The maximum single order is less than the minimum quantity obtainable under the bulletin;

(2) Container sizes are smaller than those available under the bulletin; or

(3) Purchase without regard to existing Defense Fuel Supply Center contracts is otherwise authorized.

(c) Agency requirements will be consolidated and solicited for procurement by the Defense Fuel Supply Center. Contractual action to obtain coverage for these programs will be summarized in a contract bulletin for program 4.1 and 4.4. Copies of the bulletins (copies of contracts for program 4.2) will be distributed to addresses provided by the agencies on record.

(d) Deliveries of lubricants covered by Defense Fuel Supply Center contracts shall be obtained by activities in the United States by following the instructions contained in the respective contracts or contract bulletins.

§ 101–26.602–2 Procurement of packaged petroleum products.

Items contained in the Federal Supply Catalogs C9100–ML–CA and C9100–IL–CA covering FSC class 9150—Oils, and FSC cass 9160—Waxes, shall be obtained by submitting requisitions in FEDSTRIP/MILSTRIP format to the Defense General Supply Center, Richmond, Va. 23219, using routing identifier code S9G. Copies of these catalogs are available, upon request, from the appropriate GSA regional office. These items may be obtained from other Federal activities by agreement with the activity concerned or from local purchase sources when local purchase authorization is obtained from the Defense General Supply Center.

§ 101–26.602–3 Procurement of gasoline, fuel oil (diesel and burner), kerosene, and solvents.

(a) Estimates of annual requirements will not solicited annually by the Defense Fuel Supply Center from agencies on record so as to reach that activity approximately 45 days before the due date shown in Defense Fuel Supply Center geographic alignment of States set forth in § 101–26.602–3 (d) and (e). The requirements call will be accomplished by mailing a computer produced record of the file data for each delivery point that has been identified to each submitting addressee; instructions for validation and return will be included. Activities not on record but requiring procurement support shall prepare and submit estimates on DFSC Form 15:18, for petroleum fuel requirements, or on DFSC Form 15:20, for solvents, to the Defense Fuel Supply Center, Cameron Station, Alexandria, Va. 22314. Illustrations of these forms are contained in § 101–26.4904. Copies may be obtained on request from: Commander, Defense Fuel Supply Center, Attention: DFSC:PS, Cameron Station, Alexandria, Va. 22314.

(1) Estimated annual requirements for any delivery point which total less than the following minimums shall not be submitted to the Defense Fuel Supply Center, unless the activity does not have authority or capability to procure locally.

Item	*Minimum annual requirement*
Gasoline	2,000 gallons.
Burner fuel oil	2,000 gallons.
Diesel oil	2,000 gallons.
Kerosene	500 gallons.
Solvents	500 gallons.

(2) Estimates shall not be submitted when the minimum quantities to be delivered to any one point on a single delivery are less than the following minimums, unless the activity does not have the authority or capability to procure locally.

Delivered in—	*Minimum quantity furnished on a single delivery—*
Drums	4 drums (200–220 gallons).
Tank wagon	200 gallons.
Transport truck	Full truckload (4,000–7,500 gallons).
Tank car	Full carload (8,000–12,000 gallons).

(b) Agency requirements will be solicited for procurement by the Defense Fuel Supply Center and contracts resulting from these solicitations will be summarized in contract bulletins, separately for each Defense Fuel Supply Center geographic region, and distributed to agencies on record. Activities of agencies requiring additional contract bulletins shall submit requests to: Commander, Defense Fuel Supply Center, Attention: DFSC:PS, Cameron Station, Alexandria, Va. 22314.

(c) The items covered in contract bulletins issued by the Defense Fuel Supply Center are in accordance with the latest issue of the applicable Federal Specification except that burner fuel oils meeting requirements of Pacific Specifications, as published in the bulletin entitled, "Fuel Oils (First Edition) Recorded Standard Designations for Pacific Coast Fuel Oils," will be accepted for requirements in the States of Arizona, California, Nevada, Oregon, and Washington, in lieu of Federal Grades as follows:

Fuel oils meeting Pacific specification	*Federal grade*
100	1
200	2
300	4 and 5
400, and also having a viscosity not exceeding 300 Furol at 122° F.	6

(d) The following illustrates the Defense Fuel Supply Center geographic alignment of the States, delivery periods covered for each region, the purchase programs identification, and the requirement due date for motor gasoline, fuel oil (diesel and burner), and kerosene:

MOTOR GASOLINE, FUEL OILS (DIESEL AND HEATING), AND KEROSENE

State	Delivery period	Requirements due date
Alaska—Purchase Program 3.9.[1]	July 1–June 30	January 1.
Hawaii—Purchase Program 3.10.[1]	January 1–December 31.	July 1.
DFSC Region 1—Purchase Program 3.21:		
Connecticut	September 1–August 31.	March 1.
Maine	do	Do.
Massachusetts	do	Do.
New Hampshire	do	Do.
Rhode Island	do	Do.
Vermont	do	Do.
DFSC Region 2—Purchase Program 3.22:		
New Jersey	October 1–September 30.	April 1.
New York	do	Do.
Pennsylvania	do	Do.
DFSC Region 3—Purchase Program 3.23:		
Delaware	August 1–July 31	February 1.
District of Columbia	do	Do.
Indiana	do	Do.
Kentucky	do	Do.
Maryland	do	Do.
Ohio	do	Do.
Tennessee	do	Do.
Virginia	do	Do.
West Virginia	do	Do.
DFSC Region 4—Purchase Program 3.24:		
Alabama	April 1–March 31	October 1.
Arkansas	do	Do.
Florida	do	Do.
Georgia	do	Do.
Louisiana	do	Do.
Mississippi	do	Do.
Missouri	do	Do.
North Carolina	do	Do.
South Carolina	do	Do.
Puerto Rico	do	Do.
Virgin Islands	do	Do.
DFSC Region 5—Purchase Program 3.25:		
Illinois	May 1–April 30	September 1.
Iowa	do	Do.
Michigan	do	Do.
Minnesota	do	Do.
Wisconsin	do	Do.
DFSC Region 6—Purchase Program 3.26:		
Colorado	June 1–May 31	December 1.
Kansas	do	Do.
Nebraska	do	Do.
New Mexico	do	Do.
North Dakota	do	Do.
Oklahoma	do	Do.
South Dakota	do	Do.
Texas	do	Do.
Wyoming	do	Do.

See footnotes at end of table.

MOTOR GASOLINE, FUEL OILS (DIESEL AND HEATING), AND KEROSENE

State	Delivery period	Requirements due date
DFSC Region 7—Purchase Program 3.27:		
Arizona	November 1–October 31.	May 1.
California	do	Do.
Nevada	do	Do.
Utah	do	Do.
DFSC Region 8—Purchase Program 3.28:		
Idaho	July 1–June 30	January 1.
Montana	do	Do.
Oregon	do	Do.
Washington	do	Do.

[1] Includes solvents.

NOTE: Program 3.23 does not include requirements for those activities supported by the GSA Region 3 Fuel Yard.

(e) Estimates of requirements for solvents to be delivered in the continental United States, Puerto Rico, and the Virgin Islands during the period January 1 through December 31 shall be submitted to arrive at the Defense Fuel Supply Center by the preceding June 1. The purchase program identification is 3.11.

(f) Estimates of requirements for aviation fuels for delivery in the United States shall be prepared on DFSC Form 15:18, clearly marked "Aviation Fuel" in the remarks column of the form, and submitted by the activity to the Defense Fuel Supply Center as follows:

(1) Annual requirements for aviation gasoline (all grades) for delivery period April 1–March 31 will be submitted to arrive at the Defense Fuel Supply Center no later than November 1 of each year.

(2) Semiannual requirements for jet fuels will be submitted to arrive at the Defense Fuel Supply Center no later than January 1 (for deliveries during the period July 1–December 31) and July 15 (for deliveries during the period January 1–June 30).

(g) Requirements for petroleum fuels at locations other than as identified in this § 101–26.602–3 may be obtained from other Federal activities by agreement with the activity concerned or from local purchase sources, when local purchase authority and capability exists, or by submitting requests directly to the Defense Fuel Supply Center, Cameron Station, Alexandria, Va. 22314, if centralized procurement is desired.

§ 101–26.602–4 Procurement of coal.

(a) Federal agencies desiring to participate in the Defense Fuel Supply Center coal contracting program for carload delivery outside the District of Columbia and vicinity may obtain coal through this program by submitting estimates as provided in this § 101–26.602–4.

(b) Estimates of coal requirements shall be prepared on DD Form 416, Requisition for Coal, Coke, or Briquettes (illustrated as § 101–26.4904–416), clearly marked "Estimate Only", and submitted in original and one copy to arrive at the Defense Fuel Supply Center, Cameron Station, Alexandria, Va. 22314, before the following requirement due dates:

Purchase program	For activities located in—	Reqts. due in DFSC by—	For delivery beginning—
5.5	Indiana, Illinois, Iowa, Kansas, Missouri, South Dakota, West Tennessee, West Kentucky, Wisconsin.	June 1	December 1.
5.9 (Lignite)	North Dakota	June 1	December 1.
5.3	Alabama, East Kentucky, East Tennessee, Ohio, Georgia, North Carolina, South Carolina, West Virginia.	August 15	April 1.
5.8 (Anthracite)	Connecticut, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, South Carolina.	November 1	May 1.
5.4	Michigan, Minnesota, North Dakota, Wisconsin	November 1	May 1.
5.7	Alaska	November 1	May 1.
5.2	District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia.	January 15	August 1.
5.1	Connecticut, Maine, Massachusetts, New Hampshire, New York, Vermont.	April 1	October 1.
5.6	Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington, Wyoming.	April 1	October 1.

NOTE: Except for purchase programs 5.8 and 5.9 all programs refer to requirements for bituminous coal.

(1) A separate requirement form shall be prepared for each delivery point and for each size and kind of coal, such as bituminous, anthracite, or lignite. The purchase program number is to be entered in the upper right hand block of DD Form 415.

(2) The section of DD Form 416 entitled "Analytical Specifications Required" shall reflect minimum requirements based on heating engineering data applicable to the particular equipment in which the coal will be used.

(c) Contractual information covering these requirements will be furnished each participating agency by the Defense Fuel Supply Center after contracts are awarded. As shipments of coal are required, each activity shall direct the contractor to make delivery. Payment for deliveries shall be arranged for by the ordering activity directly with the contractor. Should estimated requirements not be needed due to changes or conversions in heating equipment or other reasons, activities shall notify the Defense Fuel Supply Center of such changes as soon as possible.

(d) Copies of DD Form 416 may be obtained, on request, from: Commander, Defense Fuel Supply Center, Attention: DFSC:PS, Cameron Station, Alexandria, Va. 22314.

(e) Requirements for coal at locations other than as identified in this § 101-26.602-4 may be obtained by submitting requests directly to the Defense Fuel Supply Center, if centralized procurement is desired.

(f) Each participating agency may elect to collect coal samples, for analysis purposes, in accordance with the latest edition of the Handbook on Coal Sampling issued by the Department of the Interior, Bureau of Mines. Copies of this Handbook on Coal Sampling may be obtained upon request from: Coal Sampling and Inspection, Division of Mineral Studies, U.S. Bureau of Mines, College Park, Md. 20740.

(g) Coal samples shall be forwarded by the agency to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213. A charge for each sample submitted will be assessed by the Bureau of Mines for performing such analysis, or agencies may enter into an agreement with the Bureau of Mines for services and testing on an annual flat rate basis. Agencies shall furnish the Bureau of Mines laboratory complete billing instructions at the time samples are submitted. Copies of the results of each analysis will be furnished by the Bureau of Mines to offices responsible for payment for comparison with the analytical limits guaranteed by the contractor. In the event that the sample does not meet the minimum requirements of the analytical limits specified in the contract, the using agency shall compute the amount, if any, to be deducted from the contract price.

Subpart 101-26.49—Illustrations of Forms

1. Section 101-26.4902(b) is revised to read as follows:

§ 101-26.4902 GSA forms.

* * * * *

(b) GSA forms illustrated in this § 101-26.4902 may be obtained by Federal agencies from General Services Administration Region 3, Office of Administration, Printing and Publications Division—3BRD, Washington, D.C. 20407, unless otherwise provided in the section prescribing the form(s).

2. Sections 101-26.4902-211, 101-26.4902-212, 101-26.4902-213, and 101-26.4902-222 are deleted, as follows:

§§ 101-26.4902-211 [Deleted]
101-26.4902-212 [Deleted]
101-26.4902-213 [Deleted]
101-26.4902-222 [Deleted]

3. Section 101-26.4904 is added, as follows:

§ 101-26.4904 Other agency forms.

This section illustrates forms issued by other agencies which are prescribed or available for use in connection with subject matter covered in other subparts of Part 101-26. The issuing activity is also identified in the section requiring the use of such forms. The forms are illustrated to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the applicable agency form numbers.

4. Forms illustrated as subsections to § 101-26.4904 are added, as follows:

§ 101-26.4904-416 DD 416: Requisition for Coal, Coke, or Briquettes.
§ 101-26.4904-1518 DFSC Form 15:18 covering initial submission of petroleum fuel requirements.
§ 101-26.4904-1520 DFSC Form 15:20 covering initial submission of dry cleaning solvent.

NOTE: The forms in §§ 101-26.4904-416, 101-26.4904-1518, and 101-26.4904-1520 are filed as parts of the original document.

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

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

Dated: December 16, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-15166; Filed, Dec. 19, 1969; 8:45 a.m.]

Chapter 105—General Services Administration

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Miscellaneous Amendments

These amendments clarify the use of agencies' seals in certifying records and remove the requirement for authorization to publish donated historical materials where the Government holds literary property rights.

Subpart 105-61.1—Public Use of Archives and FRC Records

Section 105-61.106-2 is revised to read:

§ 105-61.106-2 From records.

Normally, information contained in the records will be furnished in the form of photocopies of the records, subject to the provisions of § 105-61.105. The National Archives and Records Service will certify facts and make administrative determinations on the basis of archives, or of FRC records when appropriate officials of other agencies have authorized GSA to do so. Such certifications and determinations shall be authenticated by the seal of GSA, the National Archives of the United States, or the transferring agency, as appropriate.

Subpart 105-61.2—Public Use of Donated Historical Materials

In § 105-61.202, paragraph (a) is revised and paragraph (c) is deleted:

§ 105-61.202 Restrictions.

* * * * *

(a) Use is subject to all conditions specified by the donor or transferor of such materials or by the Archivist of the United States. (Researchers are encouraged to confer with directors on any question of literary property right.)

* * * * *

(c) [Deleted]

Subpart 105-61.3—Public Use of Facilities of the National Archives and Records Service

In § 105-61.304-2, the introductory paragraph of paragraph (a) is revised to read:

§ 105–61.304–2 Application for use.

(a) Applications for use of the theater shall be submitted in writing by the head of the requesting organization, or his duly authorized representative, at least 1 week in advance of the requested use. Applications for use shall be addressed to the General Services Administration, National Archives and Records Service, Office of the Executive Director, Washington, D.C. 20408, and shall include the following information:

* * * * *

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

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER.

ROBERT L. KUNZIG,
Administrator.

[F.R. Doc. 69–15165; Filed, Dec. 19, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Federal Water Pollution Control Administration

[18 CFR Part 601]

RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of the Interior proposes to amend Part 601 to revise Subparts C and D and to combine and redesignate those subparts as Subpart C, and to vacate and reserve Subpart D.

The proposed revised Subpart C, set forth below, reflects amendments to the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), effected by the enactment of Public Law 89–753.

Interested persons may submit, in triplicate, written data, views, or arguments in regard to the proposed regulations to the Secretary of the Interior, Washington, D.C. 20240. All relevant material received not later than 45 days after publication of this notice will be considered.

Sec.
601.61 Application for grants.
601.62 Definitions.
601.63 Eligibility.
601.64 Grant limitations.
601.65 Grant conditions and requirements.
601.66 Assurances from applicant.
601.67 Project evaluation and grant award.
601.68 Payments and accountability for grant funds.

AUTHORITY: The provisions of this Subpart C issued under sec. 4, 62 Stat. 1158, as amended; 33 U.S.C. 466c; sec. 3, 79 Stat. 905, as amended, 33 U.S.C. 466c–1.

§ 601.61 Application for grants.

Application for grants for projects as authorized in sections 5 and 6 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466c et seq.), shall be made on such forms and in such manner as the Commissioner may prescribe. The applicant shall set forth adequately the nature, duration, purpose, and plan of the project, the total facilities and resources that will be committed to the project, a justification of the amount of grant funds requested and the total project cost, and such other pertinent information as the Commissioner may require. Applications for grants may be submitted for the following classes of projects to accomplish the purposes indicated:

(a) *Class I.* Those projects intended and designed to establish, discover, develop, elucidate, or confirm information on the causes, control, and prevention of water pollution;

(b) *Class II.* Those projects intended to demonstrate the applicability and utility of research findings on the causes, control, and prevention of water pollution;

(c) *Class III.* Those projects which will assist in the development of, and/or will demonstrate, a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes;

(d) *Class IV.* Those projects which will assist in the development of, and/or will demonstrate, advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial or immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes; and

(e) *Class V.* Those projects for research and demonstration of methods for prevention of pollution of waters by industry including, but not limited to, treatment of industrial wastes.

§ 601.62 Definitions.

All terms used in the rules and regulations in this subpart, which are defined in the Federal Water Pollution Control Act and are not defined in this section shall have the meaning given them in such Act. The following terms shall have the meaning indicated:

(a) "Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.).

(b) "Administration" means the Federal Water Pollution Control Administration in the Department of the Interior.

(c) "Commissioner" means the Commisioner of the Federal Water Pollution Control Administration or his authorized representative.

(d) "State Water Pollution Control Agency" means the State health authority except that, in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for programs relating to the abatement of water pollution, it means such other State agency.

(e) "Interstate Agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any agency of two or more States having substantial powers or duties pertaining to the control of pollution of waters.

(f) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(g) "Fiscal Year" means a 12-month period beginning on July 1.

(h) "Municipality" means a city, town, borough, county, parish, district, Indian tribe, and authorized Indian tribal organization, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(i) "Intermunicipal Agency" means an agency of two or more municipalities having jurisdiction over water supply, disposal of sewage, industrial wastes, or other wastes.

(j) A "Project" conducted as a result of a grant, or successive grants, includes all work outlined in the project plan, including but not limited to construction, operation, maintenance, evaluation, reports, plans, and specifications in connection therewith.

(k) The "Grant Period" is that period specified in the Grant Offer and Acceptance and amendments thereto during which granted Federal funds are authorized to be obligated by the grantee for the purposes specified in the Grant Offer and Acceptance. Successive grant periods may be necessary to complete a total project.

(l) "Construction" includes the preparation of engineering plans and specifications and any engineering, architectural, legal, fiscal, or economic investigations, procedures, or other actions directly necessary to the building, alteration or renovation of treatment works or pollution control facilities, contracts for construction, alterations and renovations, materials and equipment to be used in the construction portion of the project, as well as the inspections and supervision of the various stages of progress.

(m) "Treatment Works" means the various devices used in the treatment of sewage or industrial wastewater (including the sludges and concentrates resulting from such treatment) and the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(n) "Equipment" means nonexpendable personal property costing more than $100 and having a useful life extending beyond the period of the project for which it was originally acquired and not included under the term "facility."

(o) "Facility" means real property including improvements thereto, utility distribution systems and personal property which is considered integral and/or necessary to the continued operation of the real property.

(p) "Person" means any individual, partnership or corporation, public or private, or other legally accountable institution or agency.

(q) "Eligible Grant Period Costs" are those project costs identified by the Commissioner for which reimbursement for the Federal share of such costs is allowable; ineligible project costs are those project costs for which no Federal share is allowable.

§ 601.63 Eligibility.

All persons found by the Commissioner qualified by scientific or other relevant competence to carry out a proposed project in accordance with these regulations, and otherwise qualified, shall be eligible for a grant award except that grants for Class III and Class IV projects can be made only to a State, municipality, or intermunicipal or interstate agency.

§ 601.64 Grant limitations.

(a) Grants for Class I and Class II projects shall be subject to the following limitation: That no grant shall be made in an amount exceeding 95 percent of the estimated eligible grant period costs of the project as determined by the Commissioner.

(b) Grants for Class III and Class IV projects shall be subject to the following limitations:

(1) No grant shall be made unless the project shall have been approved by the appropriate State water pollution control agency or agencies;

(2) No grant shall be made for more than 75 percent of the estimated eligible grant period costs of the project as determined by the Commissioner; and

(3) No grant shall be made for any project unless the Commissioner determines that such project will serve the purposes set forth in section 6(a) of the Act.

(c) Grants for Class V projects shall be subject to the following limitations:

(1) No grant shall be made in excess of $1 million for a project;

(2) No grant shall be made for more than 70 percent of the estimated eligible grant period cost of the project as determined by the Commissioner; and

(3) No grant shall be made for a project unless the Commissioner determines that such project will serve a useful purpose in the development or demonstration of a new or improved method of treating industrial wastes or otherwise preventing pollution of waters by industry and that the method shall have industrywide application.

§ 601.65 Grant conditions and requirements.

(a) The grants for each of the classes of projects described in section 601.61 shall be subject to the following general conditions as well as any other special conditions which appear in the Grant Offer and Acceptance:

(1) Every grant awarded shall be subject to the provisions relating to inventions and patents as formulated by the Department of the Interior, copies of which provisions are available upon request. More specifically, ordinarily the ownership of all patent rights, foreign and domestic, resulting as a work product of a grant shall vest in the United States as proprietor. The applicant is advised that the said patent provisions include certain requirements regarding background patents. The grantee shall protect the patent interests of the United States by keeping appropriate work notes and journals showing the creation and development of any invention which is a work product of such grant. The grantee shall include these provisions in contracts which it awards in connection with the grant.

(2) In addition to the patent provisions referred to in paragraph (1) above, in the case of any grant calling for experimental or developmental research work or work intended to establish either the technical value or the economic feasibility, in connection with either waste treatment or water pollution control, of a process, machine, article of manufacture or composition of matter, rights to which are owned by a party other than the grant applicant and which has not been sold or offered for sale to the public in the commercial open market, or, in the case of a process, has not been made available in a manner such that its benefits are generally accessible to the public, the grant applicant shall:

(i) Obtain, subject to waiver by the Commissioner, from the owner of such rights a written agreement that said owner will itself or through a licensee make the subject matter of such rights available in the commercial open market to all interested members of the public, or will license others to do so, on reasonable terms and reasonable royalties. The grant applicant shall submti a copy of such agreement to the Administration along with his grant application; and

(ii) Obtain for the Government, with regard to information pertaining to a process, machine, article of manufacture, or composition of matter which is a vital part of a proposed research or demonstration project and is proprietary to a party other than the grant applicant, (1) sufficient functional, generic, and mechanical description relative thereto to enable an understanding of its subject matter relative to the project and (2) permission for the Government to disseminate freely all data and information obtained as a result of such project, as well as the aforementioned functional, generic, and mechanical description.

(3) No costs incurred, or resulting from a contract let, before the awarding of the grant will be allowed as eligible project costs unless this requirement is waived by the Commissioner.

(4) Grantees shall submit periodic reports of progress on a schedule designated by the Commissioner as well as such special or interim reports as the Commissioner, commensurate with the nature of the grant, may specifically request. In addition, in conjunction with the termination of a grant or completion of the project, the grantee shall prepare a final project report which sets forth the grantee's findings, conclusions, and results, including but not limited to the engineering effectiveness and economic feasibility of the method investigated or demonstrated by the project and containing scientific and engineering detail sufficient to permit an evaluation of the applicability of the method to similar problems elsewhere and to enable applying such method by application of the most advanced state of the art achieved in performance of the grant. In all reports, supplemental information and data suitable for project documentation purposes shall be included. The number of copies of these reports will be specified by the Commissioner. Prior to submission of the final project report, a preliminary copy shall be furnished to the Commissioner for review and approval to proceed with preparation of the project final report, except that such prior review and approval of the preliminary copy of the final project report is not required in the case of Class I grants to educational institutions. Unless otherwise agreed to by the Commissioner, the Government may, without additional compensation to the grantee, duplicate, use and disclose in any manner and for any purpose whatsoever, and have others so do, all information derived from the project and all technical data and reports required under the grant. The grantee shall include these provisions in contracts (other than contracts for construction or procurement of supplies or equipment from the commercial open market) which it awards in connection with the grant.

(5) Any publication or other dissemination of information reporting the findings, conclusions, or results of work performed under a grant, including performance and cost data, by the grantee or his contractors (other than contracts for construction or procurement of supplies or equipment from the commercial open market) must be approved by the Commissioner, in advance of dissemination, except that prior approval is not required of an educational institution preparing to report such information pertaining to Class I projects. Any publication resulting from work performed under a grant shall acknowledge the participation of the Department of the Interior in financing the work by stating the following in substance: "This project has been supported and financed, in part, by the Federal Water Pollution Control Administration, Department of the Interior, pursuant to the Federal Water Pollution Control Act."

(6) Any copyrighted publication resulting from work performed under a grant shall be subject to a royalty-free, nonexclusive, and irrevocable license, throughout the world, to the Government and to its officers, agents, and employees acting within the scope of their official duties, to reproduce, translate, publish, use, and dispose of such publication, and authorize others so to do.

(7) The Commissioner may, with personnel and procedures he determines suitable, perform inspections and program reviews, and provide technical direction he deems necessary to assist projects authorized and financed pursuant to the Act.

(8) Whenever, in the judgment of the Commissioner, continuation of any approved project would produce results of no significant value in furthering the purposes of the Act, or would not be in the best interests of the Government, grant support may be terminated by the Commissioner. However, in the event of such termination, the provisions of Federal Procurement Regulation 1-8.700-2 (a) (4) shall apply to adjust equitably the

financial commitments of the grantee and the Administration. The grantee shall reserve in contracts which it awards in connection with the grant the right to terminate for convenience.

(9) At the time a grant offer is made, the appropriate State water pollution control agency or agencies will be so notified.

(b) Each grant awarded shall be subject to the requirements of:

(1) Executive Order 11288, July 2, 1966, and Departmental policy pursuant thereto, requiring that each grant award shall be subject to the condition that the grantee shall plan and carry out the project in such a way as to prevent and control water pollution from the project activity. No project activity shall be conducted in violation of applicable interstate water quality standards or the standards set out in section 4 of Executive Order No. 11288. Where appropriate to achieve this end, consideration shall be given to:

(i) Selection of project site compatible with protection of the natural environment and to the protection of watershed natural cover;

(ii) Measures to assure minimal siltation during construction; and

(iii) Other measures designed to reduce water pollution;

(2) Executive Order 11246, September 24, 1965, as amended, relating to equal employment opportunities and with applicable rules, regulations, and procedures prescribed pursuant thereto;

(3) Title VI of the Civil Rights Act of 1964 (78 Stat. 252; Public Law 88-352), providing that no person in the United States shall, because of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance (sec. 601), and to the implementing regulation issued by the Secretary of the Interior with the approval of the President (43 CFR Part 17);

(4) Public Law 89-487, 80 Stat. 250, effective July 4, 1967, relating to the right of the public to certain information;

(5) The Anti-Kickback Act of June 13, 1934, as amended (40 U.S.C. 276c), relating to provisions to be inserted in contracts and subcontracts to insure compliance therewith by all contractors and subcontractors subject thereto, and to be responsible for the submission of statements required of contractors and subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof; and 41 U.S.C. 22 prohibiting benefit to officials.

(6) The Fair Labor Standards Act of June 25, 1938, as amended (29 U.S.C. 201-219), relating to minimum wages, maximum hours, and child labor, and applying to commercial enterprises engaged in interstate commerce; and

(7) The Convict Labor Act of February 23, 1887, as amended (18 U.S.C. 436), prohibiting the use of convict labor on public works projects.

§ 601.66 Assurances from applicant.

No grant shall be made until the Commissioner has received the following assurances from the applicant, provided that assurances (b) and (c) of this section may be waived by the Commissioner, in whole or in part (and subject to such conditions as he deems necessary), if the Commissioner finds that the purpose of such assurances is fulfilled or an alternate procedure is desirable:

(a) That the individual who will execute grant acceptance is authorized to act for the applicant and to obligate the applicant to the terms and conditions of the grant award;

(b) That the lump sum (fixed price) or unit price method shall be used in contracting for construction work and for supply of equipment having a unit value greater than $2,500, that adequate methods of obtaining competitive bidding shall be employed prior to awarding the contract, and that the award of the contract shall be made to the responsible bidder submitting the lowest acceptable bid;

(c) That no bidding shall be invited on the construction phases of the project until the final plans and specifications have been reviewed by the Commissioner and the applicant has been so notified and has received authorization to proceed; and, also, that the final plans and specifications, when required, have been reviewed or approved by and clearances received from the appropriate State and local agencies.

(d) That the construction contract shall require the contractor to furnish performance and payment bonds, in the penal amount each of not less than 50 percent of the contract price, and to maintain during the life of the contract adequate fire and extended coverage, workmen's compensation, public liability and property damage insurance;

(e) That any proposed change in the project or in construction related thereto which would make any major alteration in the work required by the grant project plan or plans and specifications for construction or which would raise the cost of the project above the latest estimate approved by the Commissioner shall be submitted to the Commissioner for prior approval; if such changes involve a proposed increase in the grant amount, an application for a supplementary award must be made and approved by the Commissioner before such changes may be initiated;

(f) That all work on the project, including the letting of contracts in connection therewith, shall conform to the requirements of applicable Federal, State, and local laws and ordinances;

(g) That the grantee shall give advance written notice to the Commissioner of:

(1) any proposed contract which is on a cost or cost-plus-a-fixed fee basis or which is on a fixed-price basis exceeding $2,500, and;

(2) any proposed purchases of articles, supplies, equipment, and services having a unit value exceeding $2,500, and the grantee shall not enter into such contracts nor make such purchases without the prior approval of the Commissioner (award of a grant does not constitute such prior approval).

(h) That any construction or supply contracts awarded by the grantee in connection with this project which are designated by the Commissioner as "priority items" shall incorporate therein appropriate liquidated damages clauses to assure timely performance;

(i) That reasonable access to the project site and project results shall be available to all interested parties during the grant period and during such period thereafter as the Commissioner determines that the activity serves useful demonstration purposes, provided that when the Commissioner deems that public access to the site and/or results prior to completion date is not in the best interest of the Government, or conflicts with any Government obligation to the grantee, he may refuse any requests for access until such time as he shall deem appropriate;

(j) That the applicant shall provide and maintain competent and adequate engineering and technical supervision, technical operation, and inspection at the project to assure that the project and construction related thereto conforms to the approved plans and specifications and that the activities meet the objectives of the grant project, and that the applicant shall provide proper and efficient operation and maintenance of the project activities and associated facilities;

(k) The grantee shall maintain books and records in accordance with generally accepted accounting principles and procedures, and in sufficient detail to properly reflect the amount, source and disposition of all grant assistance received, all direct and indirect costs of labor, materials, equipment, supplies and services, and other costs and expenses of whatever nature incurred in connection with the project for which this grant was given, and any credits or refunds, which are applicable or allocable thereto, and the grantee shall preserve such books and records, and supporting documentation relating thereto, during the life of the grant and until 3 years after final payment. The grantee shall include these requirements in all contracts other than fixed-price contracts which it awards in connection with the grant.

(l) That the Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the grantee that are pertinent to grants received under this subpart, and the grantee shall submit to the Commissioner or to the Comptroller General such documents and information as they may require in connection with the project;

(m) That all funds granted and Government-supplied property made available to the grantee by the Commissioner shall be expended or used solely for the approved project;

(n) That the applicant shall demonstrate to the satisfaction of the Commissioner his ability to finance the grantee's share of the cost of the project;

(o) That the declarations, assurances, representations, and statements made by the applicant in the application and all documents, amendments, and communications filed with the Administration by the applicant in support of his request for a grant, will be fulfilled;

(p) That the applicant has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements, sufficient to assure undisturbed use and possession for the estimated life of the project; and

(q) That the applicant will conduct the project and cause all related construction to be constructed in accordance with the Offer and Acceptance and the plans and specifications approved by the Commissioner.

§ 601.67 Project evaluation and grant award.

In determining the desirability of supporting proposed projects and in determining the amount of any grant award in connection therewith, all applications shall be evaluated through such offices and employees of the Administration and such experts or consultants as the Commissioner may select or appoint for this purpose. The determination of the amount of any grant offered shall be based upon, among other considerations, the benefits accruing to the grantee, such as valuable improvements to facilities, equipment, or production processes, etc., and the value of the project to other research, development, demonstration, or proprietary activities carried on by the grantee. A written grant offer stating the grant to be made available and any special conditions imposed shall be made by the Commissioner in support of those proposed projects which best meet and promote the purposes set forth in § 601.61. The applicant's acceptance of the grant offer shall be made in writing.

§ 601.68 Payments and accountability for grant funds.

(a) The Commissioner shall make payments to a grantee, either in advance or in reimbursement for Class I and II grants, and only in reimbursement for Class III, IV, and V grants, for eligible expenses incurred or to be incurred during the grant period, to the extent he determines such payments are necessary to promote prompt initiation and advancement of the project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards, and shall be accounted for as specified herein.

(b) The total grant payments for any Class I or Class II project shall not exceed (as specified in the grant offer) the amount of the grant offer or the percentage of the eligible grant period costs (not to exceed 95 percent), whichever is less. The eligible grant period costs, for grant payment purposes, shall be determined by the Commissioner prior to final settlement.

(c) The total grant payments for any Class III or Class IV project shall not exceed (as specified in the grant offer) the amount of the grant offer or the percentage of the eligible grant period costs (not to exceed 75 percent), whichever is less. The eligible grant period costs, for grant payment purposes, shall be determined by the Commissioner prior to final settlement.

(d) The total grant payments for any Class V project shall not exceed (as specified in the grant offer) the amount of the grant offer or the percentage of the eligible grant period costs (not to exceed 70 percent), or $1 million, whichever is less. The total grant period costs, for grant payment purposes, shall be determined by the Commissioner prior to final settlement.

(e) Where the applicant fails to comply substantially with the requirements of the Act or with the requirements, conditions, limitations, provisions, or assurances of the regulations in this Subpart, or with other Federal laws, regulations, and terms applicable to the project, the Commissioner may, upon giving reasonable notice and opportunity for hearing to the applicant, withhold, in whole or in part, further payments from the applicant pending action required by such hearings and determination, or until the Commissioner determines there is no longer any failure in compliance or performance.

(f) Expenditures of grant funds for facilities, movable or fixed equipment, or supplies, collectively, termed in this subpart "materials," may be charged to project costs only to the extent such material are required to carry out the project plan specified in the Offer and Acceptance. With regard to materials purchased in whole or in part with Federal grant funds, title thereto shall be vested in the grantee upon the condition that such materials (excluding expendable supplies within such limitations as the Commissioner may prescribe, but including, to the extent of the U.S. interest therein, materials whose purchase is chargeable in part to nongrant funds) on hand on the date of termination or on the date the grant period expires shall be accounted for, or accountability waived, by one or a combination of the following methods:

(1) *Waiver of equipment accountability.* Under grants where the grantee is an organization within the terms of the Act of September 6, 1958 (72 Stat. 1793; Public Law 85-934) (nonprofit institutions of higher education or nonprofit organizations whose primary purpose is the conduct of scientific research), the Commissioner may waive the obligation to account for the value of any fixed or moveable equipment purchased with grant funds and vest permanent title to this equipment in the grantee as provided by such Act.

(2) *Retention by grantee.* The materials may be retained by the grantee, without adjustment of accounts, for use in a successive grant period or, if a successive grant period is not authorized, the materials may be retained, without adjustment of accounts, for use approved by the Commissioner in continuing research, development, or demonstration of the water pollution-related objectives of the project or for use approved by the Commissioner in other projects, and, in this latter case, no other accounting for such materials shall be required, provided, however, that (i) during such period of use no charge for depreciation, amortization, or for other use of the materials shall be made against any existing or future Federal grant or contract, and (ii) if, within the period of their useful life, the materials are transferred by sale or by other act of the grantee for use other than that approved by the Commissioner, the fair market value at the time of transfer (to the extent of the U.S. interest therein) shall be payable to the United States.

(3) *Sale or other disposition; crediting of proceeds or value.* The materials may be sold by the grantee and the net proceeds of sale (to the extent of the U.S. interest therein) credited to the grant account; or the materials may be used or disposed of in any manner by the grantee by crediting to the grant account their fair market value (to the extent of the U.S. interest therein). To the extent materials purchased from grant funds have been used for credit or "trade in" on the purchase of new materials, the accounting obligation shall apply to the same extent to such new materials.

(4) *Transfer to the United States.* To the extent the Commissioner so requires in the Grant Offer and Acceptance or later agrees to, title to materials may be transferred to the United States for such authorized use or disposition as the Commissioner may direct with credit being given to the grantee for grantee's prorata share of the fair market value of the materials.

(g) The above methods of disposition of materials purchased in whole or in part with grant funds may be utilized at any time during the course of the grant period upon determination by the Commissioner that such materials are no longer necessary to the completion of the project.

(h) Equitable title to interest or dividends earned or paid upon any deposit or investment by the grantee (except where the grantee is a State, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but not the government of a political subdivision of a State) of the funds paid pursuant to paragraph (a) of this section, shall vest upon accruing or payment, in the United States. Such interest or dividend earned or paid shall be charged against the grantee's account as funds paid as grant funds and shall be fully accounted for by the grantee pursuant to these regulations.

(i) If an examination or audit discloses that an overpayment has been made to the grantee, the total of such overpayment shall constitute a debt owed by the grantee to the United States, and, if not paid to the United States, shall be recovered from the grantee or his

successors by setoff or other action as provided by law. Upon written notice to the grantee that an overpayment has been made and that it constitutes a debt to the United States, the debt shall thereupon become a lien upon all property purchased or developed pursuant to the grant project.

(j) With respect to each project, the grantee shall maintain records of all costs incurred, both direct and indirect, in such a manner as to permit an accurate determination of total project costs, including both the grantee's share and the Federal share. Indirect cost rates shall be justified in detail by computation and an explanation of their development. Except as may otherwise be provided by or pursuant to the regulations of this subpart and Administration policies and procedures, the allocation of expenditures by a grantee as between direct and indirect costs shall be in accordance with the same policies and methods that the grantee applies to all his research, development, or demonstration projects and related activities whether self-sponsored or supported by grant or by contracts.

(k) In addition to such other accounting as the Commissioner may require, a grantee shall render his full accounting as of either the end of the grant period or the date of termination of a grant, whichever occurs first.

(l) Eligibility of costs shall be determined by the Commissioner in accordance with Bureau of the Budget Circulars No. A-87, No. A-88, and No. A-21 (Revised), the grant and contract cost principles set forth in Part 1-15 of the Federal Procurement Regulations, Title 41, Code of Federal Regulations, and such other policies and principles as he determines will result in maximum benefit to the Government under the terms and authorizations of the Act.

Dated: December 16, 1969.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 69-15118; Filed, Dec. 19, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1003]

MILK IN THE WASHINGTON, D.C., MARKETING AREA

Notice of Proposed Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Washington, D.C., marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be terminated as they appear in § 1003.16(a) are as follows:

(1) "Concentrated milk (including frozen concentrated milk)" and

(2) "And products which are packaged in hermetically sealed containers".

This action was requested by the Maryland and Virginia Milk Producers Association, Inc., an operating cooperative which supplies a major portion of the fluid milk market. Such action, they contend, would clarify the fluid milk product definition of the order with respect to the classification of certain milk products which are either packaged in hermetically sealed containers or in containers made of paper and plastics which are sealed by the fusion of such materials.

Canned condensed and evaporated milk products are classified and priced under the Washington, D.C., order as Class II milk by virtue of a provision in the fluid milk product definition exempting from such definition products packaged in hermetically sealed containers.

Such a generalized basis for designating the classification of certain products, based solely upon the type and manner of packaging involved, appears to be no longer appropriate due to the advent in this market of the sale of whole milk for fluid consumption to schools and other institutions which is packaged and sealed in fused paper-plastic, tetra-pak type, half-pint containers.

It is not intended, they contend, that a packaged fluid milk product be downclassified to the manufacturing class solely on the basis of its type and manner of packaging.

The termination of the provision relating to hermetically sealed containers, therefore, is intended to make it clear that such milk disposed of for fluid consumption will be classified and priced as Class I regardless of the type or manner of packaging.

The corollary proposal to terminate the reference to concentrated milk in the fluid milk product definition should assure that condensed and evaporated canned goods will continue to be classified as Class II as intended under the order.

Signed at Washington, D.C., on December 16, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-15143; Filed, Dec. 19, 1969; 8:47 a.m.]

[7 CFR Parts 1121, 1126]

[Dockets Nos. AO 364-A2 and AO 231-A34]

MILK IN THE SOUTH TEXAS AND NORTH TEXAS MARKETING AREAS

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

Notice is hereby given of a public hearing to be held at the Continental Houston, Terrace A, 101 Main Street, Houston, Tex., beginning at 10 a.m., local time, January 6, 1970, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the South Texas and North Texas marketing areas.

The hearing is called 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).

The purpose of the hearing is to receive 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.

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

PROPOSALS TO AMEND THE SOUTH TEXAS ORDER

Proposed by Associated Milk Producers, Inc:

Proposal No. 1. In § 1121.51(a) extend the present Class I price provision indefinitely by deletion of the 18-month termination date (Mar. 31, 1970).

Proposed by the Southland Corp.:

Proposal No. 2. Amend § 1121.51(a) as follows:

(a) *Class I price.* The Class I milk price applicable to Zone I plants shall be the basic formula price for the preceding month plus $2.38, and plus 20 cents.

Proposed by Carnation Co.:

Proposal No. 3. The South Texas order Class I price in the Houston area shall be no more than 15 cents per hundredweight above the North Texas order Class I price for the Dallas area.

Proposed by Land O'Pines Dairy Products Co.:

Proposal No. 4. Amend Federal order No. 121 (South Texas marketing area) to provide that the Class I price at Lufkin, Tex., as adjusted pursuant to § 1121.53 shall not exceed the Class I price established under Order No. 126 (North Texas marketing area) for Marshall and Tyler, Tex.

Proposed by Sanitary Creamery, Inc.:

Proposal No. 5. Reduce the plus location differential in § 1121.53(b) applicable to the Class I price for milk received at a plant south of U.S. Highway 90 and outside of Zone I or Fayette County, Tex.

PROPOSAL TO AMEND THE NORTH TEXAS ORDER

Proposed by the Southland Corp.:

Proposal No. 6. In the North Texas order eliminate § 1126.55 *Pricing Zones* in its entirety.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 7. 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 order may be procured from Market Administrator, M. C. Jenkins, Post Office Box 10738, Houston, Tex. 77018; Market Administrator C. E. Dunham, Post Office Box 35225, Airlawn Station, Dallas, Tex. 75235; 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 December 17, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-15179; Filed, Dec. 19, 1969; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 25]

IMPLEMENTATION OF EXECUTIVE ORDER 11491

Labor Relations

Pursuant to sections 6(d) and 18(d) of Executive Order 11491 (34 F.R. 17605) it is hereby proposed to amend Part 25 of Subtitle A of Title 29 of the Code of Federal Regulations as set forth below, in order to implement the duties delegated to the Assistant Secretary of Labor for Labor Management Relations under the order.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Assistant Secretary of Labor for Labor Management Relations, U.S. Department of Labor, Washington, D.C. 20210 not later than January 9, 1970.

As amended, Part 25 would read as follows:

PART 25—REGULATIONS OF THE ASSISTANT SECRETARY OF LABOR FOR LABOR-MANAGEMENT RELATIONS UNDER EXECUTIVE ORDER 11491, LABOR-MANAGEMENT RELATIONS IN THE FEDERAL SERVICE

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25.1 Purpose and scope.

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25.508 Transfer of case to Assistant Secretary.
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25.510 Rules to be liberally construed.

AUTHORITY: The provisions of this Part 25 are issued under secs. 6 and 18 of E.O. 11491, 34 F.R. 17605.

Subpart A—General

§ 25.1 Purpose and scope.

The Regulations contained in this part are designed to implement the provisions of sections 6, 9, 10, 18, and 19 of Executive Order 11491 of October 29, 1969, "Labor-Management Relations in the Federal Service." They prescribe procedures and basic principles which the Assistant Secretary of Labor for Labor-Management Relations will utilize in:

(a) Deciding questions as to the appropriate unit for the purpose of exclusive recognition and related issues submitted for his consideration;

(b) Supervising elections to determine whether a labor organization is the choice of a majority of the employees in an appropriate unit as their exclusive representative, and certifying the results;

(c) Deciding questions as to eligibility of labor organizations for national consultation rights under criteria prescribed by the Federal Labor Relations Council;

(d) Deciding complaints of alleged unfair labor practices, and

(e) Determining if a labor organization is in compliance with the standards of conduct.

Subpart B—Definitions

§ 25.101 Order.

"Order" as used herein shall mean Executive Order 11491, entitled "Labor-Management Relations in the Federal Service."

§ 25.102 Agency, employee, labor organization, council, panel, Assistant Secretary.

"Agency," "employee," "labor organization," "Council," "Panel," and "Assistant Secretary" as used herein shall have the meanings as set forth in section 2 of the order.

§ 25.103 National consultation rights, exclusive recognition, standards of conduct for labor organizations, unfair labor practices.

"National Consultation Rights," "exclusive recognition," "Standards of Conduct for Labor Organizations," and "Unfair Labor Practices" as used herein shall have the meanings as set forth in sections 9, 10, 18, and 19, respectively, of the order.

§ 25.104 Service.

"Service" as used herein shall mean the Federal Mediation and Conciliation Service.

§ 25.105 Activity.

"Activity" as used herein shall mean any unit, facility, geographical subdivision, or combination thereof, of any Agency, as that term is defined in section 2 of the order.

§ 25.106 Regional Administrator.

"Regional Administrator" as used herein shall mean the Administrator of a Region of the Labor-Management Services Administration, the geographical boundaries as fixed by the Assistant Secretary.

§ 25.107 Area Administrator.

"Area Administrator" as used herein shall mean the Administrator of an Area Office within a Region of the Labor-Management Services Administration, the geographical boundaries as fixed by the Assistant Secretary.

§ 25.108 Party.

"Party" as used herein shall mean any person, employee, group of employees, labor organization, agency or activity: (a) Filing a complaint, petition or request; (b) named as a party in a complaint, petition or request; or (c) whose intervention in a proceeding has been permitted or directed by the Assistant Secretary, Regional Administrator, Area Administrator, Hearing Officer, or Hearing Examiner as the case may be.

§ 25.109 Intervenor.

"Intervenor" as used herein shall mean the party in a proceeding whose intervention has been permitted or directed by the Assistant Secretary, Regional Administrator, Area Administrator, Hearing Officer or Hearing Examiner as the case may be.

§ 25.110 Certification.

"Certification" as used herein shall mean the determination by the Assistant Secretary, Regional Administrator, or Area Administrator of the results of an election held under the order and these regulations, including a certification of Representative for Exclusive Recognition under the order.

§ 25.111 Appropriate unit.

"Appropriate Unit" as used herein shall mean that grouping of employees found to be appropriate for purposes of exclusive recognition consistent with the provisions of section 10 (b) and (c) of the order.

§ 25.112 Secret ballot.

"Secret Ballot" as used herein means the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed.

§ 25.113 Hearing Officer.

"Hearing Officer" as used herein means the individual designated to conduct a hearing in a unit dispute or such other representation matters as may be assigned.

§ 25.114 Hearing Examiner.

"Hearing Examiner" as used herein means the individual designated to conduct the hearing on cases under sections 18 and 19 of the order and such other matters as may be assigned.

§ 205.115 Showing of interest.

"Showing of Interest" shall mean a designated percentage of Federal employees in a unit claimed to be appropriate or a unit determined to be appropriate, who are members of a labor organization or have designated it as their exclusive representative or have signed a petition requesting an election to determine whether a labor organization should cease to be the exclusive representative because it does not represent a majority of the employees. Such designations shall consist of written authorization cards or petitions, signed and dated by employees, authorizing a labor organization to represent such employees for purposes of exclusive recognition or requesting an election to determine the majority status of the exclusive representative, executed allotment of dues forms, current dues, record, existing or recently expired agreement, current exclusive recognition or certification; or other evidence approved by the Assistant Secretary.

Subpart C—Representation Proceedings

§ 25.201 Who may file petitions.

(a) A petition for exclusive recognition may be filed by a labor organization requesting an election to determine whether it should be recognized as the exclusive representative of employees of an agency in an appropriate unit or replace another labor organization as the exclusive representative of employees in an appropriate unit.

(b) A petition for an election to determine if a labor organization should cease to be the exclusive representative because it does not represent a majority of employees in an appropriate unit may be filed by an agency or by any employee(s) or any individual acting on their behalf.

(c) A petition for clarification of an existing unit or amendment of certification may be filed by an agency or labor organization which is currently recognized by the agency as an exclusive representative.

(d) A petition for a determination as to the eligibility of a labor organization for national consultation rights under criteria prescribed by the Council may be filed by an agency or labor organization.

§ 25.202 Contents of petition.

(a) A petition for exclusive recognition shall be submitted on forms prescribed by the Assistant Secretary and shall contain the following:

(1) The name of the agency and the activity involved, their addresses, telephone numbers, and the persons to contact and their titles, if known.

(2) A description of the unit appropriate or claimed to be appropriate for purposes of exclusive representation by the petitioner. Such description shall indicate generally the geographic locations and the classifications of employees sought to be included and those sought to be excluded and the approximate number of employees in the unit claimed to be appropriate;

(3) Name, address, and telephone number of the recognized or certified exclusive representative, if any, and the date of such certification or recognition and the expiration date of any applicable contract, if known to the petitioner;

(4) Names, addresses, and telephone numbers of any other interested labor organizations, if known to the petitioner;

(5) Any other relevant facts and two copies of all correspondence relating to the dispute or problem;

(6) Name and affiliation, if any, of the petitioner and its address and telephone number;

(7) A statement that the petitioner has submitted to the agency a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives.

(8) A declaration by the person signing the petition, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief.

(9) The signature of the petitioner's representative, including his title and telephone number;

(10) The petition shall be accompanied by a showing of interest of not less than thirty (30%) percent of the employees in the unit claimed to be appropriate and an alphabetical list of such employees.

(b) Contents of petition for an election to determine if a labor organization should cease to be the exclusive representative:

(1) A petition by an agency shall contain the information set forth in § 25.202 (a) except subparagraphs (7) and (10) thereof and a statement that the agency has a good faith doubt that the certified or currently recognized exclusive representative represents a majority of the employees in the unit.

(2) A petition for an election by an employee(s), or individual acting on their behalf shall contain the information set forth in § 25.202(a), except subparagraphs (7) and (1) thereof, and it shall be accompanied by a showing of interest of not less than thirty (30%) percent of the employees in the unit indicating that the employees no longer desire to be represented for the purpose of exclusive recognition by the currently recognized or certified labor organization.

(c) Petition for Clarification of Unit or Amendment of Certification: A petition for clarification of unit or amendment of certification shall contain the information required by § 25.202(a) except subparagraphs (2), (7), and (10), and shall set forth:

(1) A description of the present unit and the date of recognition or certification;

(2) The proposed clarification or amendment of the certification; and

(3) A statement of reasons why the proposed clarification or amendment is requested.

(d) Petition for National Consultation Rights: [Reserved]

(e) Filing and service of petition and copies:

(1) An original and four copies of a petition shall be filed with the Area Administrator of the Labor-Management Services Administration for the area in which the bargaining unit exists, or, if the claimed unit exists in two or more areas the petition shall be filed with the Area Administrator for the area in which the headquarters of the activity is located.

(2) Simultaneously with the filing of a petition, copies shall be served by the petitioner on all known interested parties, and a written statement of such service shall be furnished to the Area Administrator. The showing of interest submitted with a petition shall not be furnished to any of the parties or organizations listed in the petition.

(f) Adequacy and Validity of Showing of Interest: The Area Administrator shall determine the adequacy of the showing of interest administratively, and such decision shall not be subject to collateral attack at a unit or representation hearing. Any party challenging the validity of showing of interest must file his challenge with the Area Administrator within (5) days of the service of the petition and support his challenge with evidence. The Area Administrator shall investigate the challenge and report his findings to the Regional Administrator who shall take such action as he deems appropriate.

§ 25.203 Timeliness of petition.

(a) Where there is no recognized or certified exclusive representative of the employees, a petition will be considered timely filed provided there has been no valid election within the claimed unit within the preceding 12-month period and provided further that the claimed unit is not a subdivision of a unit in which a valid election has been held within the preceding 12-month period.

(b) Where there is a recognized or certified representative, a petition will not be considered timely if filed within twelve (12) months after the grant of exclusive recognition or certification as the exclusive representative of employees in an appropriate unit, unless unusual circumstances exist.

(c) A petition for exclusive recognition or other election petition will not be considered timely if filed during the period within which a signed agreement between an agency and a labor organization is in force or awaiting approval at a higher management level, but not to exceed an agreement period of 2 years, unless (1) a petition is filed not more than 90 days and not less than 60 days prior to the terminal date of such agreement or 2 years, whichever is earlier, or (2) unusual circumstances exist which will substantially affect the unit or the majority representation.

(d) When an extension of agreement has been signed more than 60 days before its terminal date, such extension shall not serve as a basis for the denial of a petition submitted in accordance with the time limitations provided herein.

(e) A petition for exclusive recognition or other petition for an election will not be considered timely if filed within a 12-month period following the close of a hearing conducted pursuant to 25.219 concerning the unit or any subdivison thereof.

§ 25.204 Investigation of petition and posting of notice of petition.

(a) Upon the filing of a petition the Area Administrator shall make such investigation as he deems necessary.

(b) Upon the request of the Area Administrator, after the filing of a petition, the agency shall post copies of a notice to all employees in places where notices are normally posted affecting the employees in the unit involved in the proceeding.

(c) Such notice shall set forth: (1) The name of the petitioner, (2) the description of the unit involved, and (3) a statement that all interested parties are to advise the Area Administrator in writing of their interest within ten (10) days from the date of posting such notice.

(d) The notice shall remain posted for a period of ten (10) days. The notice shall be posted conspicuously in places where notices are posted customarily and shall not be covered by other material, altered or defaced.

(e) The agency shall furnish the Area Administrator with the names, addresses and telephone numbers of all labor organizations known to represent any of the employees in the claimed unit.

(f) The parties are expected to meet as soon as possible after the filing of the petition and use their best efforts to secure agreement on an appropriate unit, including, where appropriate, consulting with higher authority within the agency and the organization.

(g) Within thirty (30) days following the receipt of a copy of the petition, the agency and any intervenor(s) shall file a response thereto with the Area Director, raising any matter which is relevant to the petition. A copy of such response shall be furnished to other parties and organizations.

(h) The Area Administrator shall report the essential facts and positions of the parties to the Regional Administrator.

(i) The Regional Administrator shall take appropriate measures which may consist of withdrawal or dismissal of the petition, or the supervision of an election in an agreed-upon appropriate unit, or the conduct of a hearing.

§ 25.205 Intervention.

(a) No labor organization will be permitted to intervene in any proceeding unless it has submitted a showing of interest of ten (10%) percent or more of the employees in the unit involved in the petition or has submitted a currently or recently expired agreement with the agency covering any of the employees involved.

(b) A labor organization seeking exclusive recognition in a unit which encompasses any portion of the unit petitioned for must file a petition with the Area Administrator supported by a showing of interest of thirty (30%) percent or more of the employees in the unit it claims to be appropriate within ten (10) days after the initial date of posting of the notice of petition as provided in § 25.204 unless good cause is shown for extending the period.

(c) No labor organization may participate to any extent in any representation proceeding unless it has notified the Area Administrator of its desire to intervene within ten (10) days after the initial date of posting of the notice of petition as provided in § 25.214, unless good cause is shown for extending the period.

(d) Any labor organization intervening for the purpose of seeking recognition by an agency or retaining its status as a recognized organization must supply a statement to the Area Administrator that it has submitted to the agency a roster of its officers and representatives, a copy of its constitution and bylaws and a statement of its objectives.

§ 25.206 Withdrawal or dismissal of petition; with or without prejudice.

(a) If the Regional Administrator determines after an investigation that the petition has not been timely filed, that the claimed unit is not appropriate, that the petitioner has not made a sufficient showing of interest or otherwise is not actionable, he may request the party filing such a petition to withdraw the petition without prejudice or in the absence of such withdrawal within a reasonable time, he may dismiss the petition.

(b) If the Regional Administrator dismisses the petition, he shall supply the petitioner with a written statement of the grounds for the dismissal, sending a copy of such statement to the agency and any intervenors.

(c) The petitioner may obtain a review of such action by filing a request for review with the Assistant Secretary within 10 days of service of the notice of dismissal. Copies of the requested review shall be served on the Regional Administrator and the other parties, and statement of service shall be filed with the request for review. The request shall contain a complete statement setting forth facts and reasons upon which the request is based.

(d) Petitions withdrawn (1) after the close of hearing but prior to decision of the Assistant Secretary or (2) after the approval of an election agreement shall be with 6 months prejudice to refiling such petition.

§ 25.207 Agreement for consent election.

(a) The parties may stipulate subject to approval of the Regional Administrator that a secret ballot election shall be

conducted by the agency or activity as appropriate, under the supervision of the Area Administrator in accordance with § 25.211 among the employees in an agreed-upon appropriate unit, to determine whether the employees desire to be represented for purposes of exclusive recognition by any or none of the labor organizations involved. The parties to such proceeding shall be the agency, the petitioner, and any intervenors who have complied with the requirements set forth in § 25.205.

(b) The parties shall stipulate the eligibility period for participation in the election, the dates, hours, and places of the election, the designations on the ballot and other related election details.

(c) In the event that the parties cannot agree on the matters contained in paragraph (b) of this section, the Area Administrator acting in behalf of the Assistant Secretary shall decide these matters.

§ 25.208 Notice of hearing.

The Regional Administrator may cause a notice of hearing to be issued if, after the filing of a petition, the petitioner, the agency, and all intervenors, within the purview of § 25.205 are unable to resolve issues of appropriateness of unit and related matters. A notice of hearing providing at least ten (10) days notice shall be served on all interested parties and shall include:

(a) A statement of the time, place and nature of the hearing;

(b) A statement of the unit claimed to be appropriate;

(c) The name of the agency, petitioner and intervenors, if any;

(d) A statement of the authority and jurisdiction under which the hearing is to be held.

§ 25.209 Conduct of hearing.

(a) Hearings shall be conducted by a hearing officer and shall be open to the public unless otherwise ordered by the hearing officer. At any time another hearing officer may be substituted for the hearing officer previously presiding. It shall be the duty of the hearing officer to inquire fully into all matters in issue and necessary to obtain a full and complete record upon which the Assistant Secretary may make an appropriate decision. An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript will not be provided to the parties but may be purchased by arrangement with the official reporter or may be examined in the Area Office during normal working hours.

(b) Hearings under this section of these Regulations are considered investigatory and not adversary. Their purpose is to develop a full and complete factual record. The rule of relevancy and materiality are paramount; there are no burdens of proof, and the technical rules of evidence do not apply.

(c) The hearing officer may, in his discretion, continue the hearing from day to day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice.

§ 25.210 Motions.

(a) All motions shall be in writing or, if made at the hearing may be stated orally on the record and shall briefly state the order or relief sought and the grounds for such motion. An original and two copies of written motions shall be filed and a copy thereof immediately shall be served on the other parties to the proceeding. Motions made prior to the transfer of the case to the Assistant Secretary shall be filed with the Area Administrator, with a copy to the Regional Administrator, except that motions made during the hearing shall be filed with the hearing officer. After the transfer of the case to the Assistant Secretary, all motions shall be filed with the Assistant Secretary. The Regional Administrator may rule upon all motions filed with him, causing a copy of said ruling to be served on the parties, or he may refer the motion to the hearing officer: *Provided*, That if the Regional Administrator prior to the close of the hearing grants a motion to dismiss the petition, the petitioner may obtain a review of such ruling in the manner prescribed in § 25.206. The hearing officer shall rule, either orally on the record or in writing, upon all motions filed at the hearing or referred to him as hereinabove provided, except that all motions to dismiss petitions shall be referred for appropriate action at such time as the entire record is considered by the Regional Administrator or the Assistant Secretary, as the case may be.

(b) Motions to intervene will not be entertained by the hearing officer. Intervention will be permitted only to those who have met the requirements set forth in § 25.205.

(c) All motions, rulings, and orders shall become a part of the record. Rulings by the Regional Administrator or by the hearing officer shall be considered by the Assistant Secretary when the case is transferred to him for decision.

(d) The right to make motions or to make objections to rulings on motions shall not be deemed waived by participation in the proceeding.

§ 25.211 Rights of the parties.

Any party shall have the right to appear at any hearing in person, by counsel, or by other representative, and any party and the hearing officer shall have power to examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. The rules of evidence prevailing in courts of law or equity shall not be controlling. Stipulations of fact may be introduced in evidence with respect to any issue.

§ 25.212 Duties and powers of the hearing officer.

It shall be the duty of the hearing officer to inquire fully into the facts as they relate to the matter before him. With respect to cases assigned to him, between the time he is designated and the transfer of the case to the Assistant Secretary, the hearing officer shall have the authority, subject to these Regulations, to:

(a) Grant requests for appearance of witness or production of records;

(b) Rule upon offers of proof and receive relevant evidence;

(c) Take or cause depositions to be taken whenever the ends of justice would be served thereby;

(d) Limit lines of questioning or testimony which are incompetent, immaterial or irrelevant;

(e) Regulate the course of the hearing and, if appropriate or necesary summarily exclude from the hearing persons who engage in misconduct and strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(f) Hold conferences for the settlement or simplification of the issue by consent of the parties;

(g) Dispose of procedural requests, motions, or similar matters which shall be made part of the record of the proceeding, including motions referred to the hearing officer by the Regional Administrator and motions to amend pleadings;

(h) Examine and cross-examine witnesses and to introduce into the record documentary or other evidence;

(i) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(j) Continue, in his discretion, the hearing from day-to-day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(k) Take any other action necessary under the foregoing and authorized by the Regulations of the Assistant Secretary.

§ 25.213 Objections to conduct of hearing.

(a) Any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing. Automatic exception will be allowed to all adverse rulings.

(b) The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the hearing officer, be ground for striking all testimony previously given by such witness on related matters. Misconduct at any hearing before a hearing officer shall be ground for summary exclusion from the hearing.

(c) Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing.

§ 25.214 Filing of briefs.

Prior to the close of the hearing and for good cause, the hearing officer may allow time not to exceed 14 days for the filing of briefs with the Assistant Secretary. Copies thereof shall be served simultaneously on all other parties to the proceeding. Requests for additional time in which to file a brief under authority of this section not addressed to

the hearing officer during the hearing shall be made to the Regional Administrator, in writing, and copies thereof shall immediately be served on the other parties. Requests for extension of time shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed.

§ 25.215 Contents of record.

The record of the proceeding shall consist of: The petition, notice of hearing with service sheet thereof, motions, rulings, orders, the stenographic report of the hearing and of any oral argument before the hearing officer, stipulations, exhibits, documentary evidence, depositions, and any briefs or other documents.

§ 25.216 Decision.

The Assistant Secretary will issue a decision determining the appropriate unit, and directing an election, or dismissing the petition, or making other disposition of the matter.

§ 25.217 Election procedure.

This section governs all elections conducted under the supervision of an Area Administrator, pursuant to § 25.207 or § 25.214.

(a) Appropriate notices of election shall be posted by the activity. Such notices shall set forth the details and procedures for the election, the appropriate unit, the eligibility period, the date(s), hours and place(s) of the election and shall contain a sample ballot.

(b) The reproduction of any document purporting to be a copy of the official ballot, other than one completely unaltered in form and content and clearly marked "sample" on its face, which suggests either directly or indirectly to employees that the Assistant Secretary endorses a particular choice, may constitute grounds for setting aside an election upon objections properly filed.

(c) All elections shall be by secret ballot.

(d) Whenever two or more labor organizations are included as choices in an election, any labor organization may request, in writing, the Area Administrator to remove its name from the ballot. The request must be received not later than five (5) days before the date of the election. Such request shall be subject to the approval of the Area Administrator, whose decision shall be final; provided, however, that in a proceeding involving a petition filed under § 25.202 of these regulations an organization certified, currently recognized, may not have its name removed from the ballot without giving the aforementioned notice in writing to all parties and the Area Administrator, disclaiming any representation interest among the employees in the unit.

(e) Any party may be represented at the polling place(s) by observers of his own selection, subject to such limitations as the Area Administrator may prescribe.

§ 25.218 Challenged ballots.

Any party or the election officer may challenge, for good cause, the eligibility of any person to participate in the election. The ballots of such challenged persons shall be impounded.

§ 25.219 Tally of ballots.

Upon the conclusion of the election, the Area Administrator shall cause to be furnished to the parties a tally of ballots.

§ 25.220 Objections to election.

(a) Within five (5) days after the tally of ballots has been furnished, any party may file with the Area Administrator an original and four (4) copies of objections to the conduct of the election or conduct affecting the results of the election, which shall contain a short statement of the reasons therefor. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. Copies of such objections shall be served simultaneously on the other parties by the party filing them, and a statement of service shall be made.

(b) If no objections are filed within the time set forth above, if the challenged ballots are insufficient in number to affect the result of the election, and if no runoff election is to be held, the Area Administrator shall forthwith issue to the parties a certification of the results of the election, including certification of representative, where appropriate.

(c) If objections are filed to the conduct of the election or conduct affecting the result of the election, or if the challenged ballots are sufficient in number to affect the result of the election, the Area Administrator shall investigate such objections or challenges, or both.

(d) The Area Administrator shall report the essential facts and positions of the parties to the Regional Administrator. The Regional Administrator, when appropriate, shall cause to be issued a notice of hearing designating a hearing examiner or hearing officer, as the case may be, to hear the matters alleged and to issue a report and recommendations. The objecting party shall bear the burden of proof regarding all matters alleged in the objections to the conduct of the election or to conduct affecting the results of the election.

§ 25.221 Runoff elections.

(a) The agency shall conduct a runoff election under supervision of the Area Administrator when an election in which the ballot provided for not less than three (3) choices (i.e., at least two representatives and "neither") results in no choice receiving a majority of the valid ballots cast, and any objections which had been filed have been disposed of, as provided herein. Only one runoff election shall be held pursuant to this section.

(b) Employees who were eligible to vote in the original election and who are in an eligible category on the date of the runoff election shall be eligible to vote in the runoff election.

(c) The ballot in the runoff election shall provide for a selection between the two choices receiving the largest and second largest number of votes.

§ 25.222 Inconclusive elections.

An inconclusive election is one in which none of the choices on the ballot has received a majority of the valid ballots cast. In the event the number of ballots cast in an inconclusive election in which the ballot provided for a choice among two (2) or more representatives and "neither" or "none" is equally divided among the several choices; or in the event the number of ballots cast for one choice in such election is equal to the number cast for another of the choices but less than the number cast for the third choice, the Area Administrator shall declare the first election a nullity and shall order another election, providing for a selection from among the choices afforded in the original ballot. In the event two (2) or more choices receive the same number of ballots and another choice receives no ballots and there are no challenged ballots that would affect the results of the election, and if all eligible voters have cast valid ballots, there shall be no runoff election and a certification of results of election shall be issued. Only one such further election pursuant to this section may be held.

Subpart D—Unfair Labor Practice Proceedings

§ 25.301 Who may file complaints.

A complaint that any agency or labor organization has engaged in any act prohibited under section 19 of the order or has failed to take any action required by the order may be filed by an employee, an agency, or a labor organization, within six (6) months of the occurrence of the alleged unfair labor practice.

§ 25.302 Action to be taken before filing a complaint with the Assistant Secretary.

Any alleged unfair labor practice occurring after January 1, 1970, shall be investigated by the agency and labor organization involved and informal attempts to resolve the complaint shall be made by the parties. If informal attempts are unsuccessful in disposing of the complaint within thirty days, both parties may agree to stipulate the facts to the Assistant Secretary and request a decision. The stipulation of an agreed statement of facts to the Assistant Secretary may be deemed a waiver of a formal hearing. In lieu of a joint request, either party may file a complaint requesting the Assistant Secretary to issue a decision in the matter.

§ 25.303 Contents of the complaint.

A complaint alleging a violation of section 19 of the order shall be submitted on forms prescribed by the Assistant Secretary and shall contain the following:

(a) The name, address, and telephone number of the employee, agency, or labor organization making the complaint (hereinafter referred to as the complainant);

(b) The name, address, and telephone number of the agency or labor organization against whom the complaint is made (hereinafter referred to as the respondent);

(c) A clear and concise statement of the facts constituting the alleged unfair labor practice, including the time and

place of occurrence of the particular acts and a statement of the portion or portions of the order alleged to have been violated;

(d) A statement of any other procedures invoked involving the subject matter of the complaint and the results, if any, of their invocation including whether the subject matter raised in the complaint has been referred to the Council, Panel, or Service for consideration or action;

(e) The entire report of investigation by the parties, pursuant to § 25.302, shall be filed with the complaint;

(f) A declaration by the person signing the complaint, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief.

§ 25.304 Filing and service of copies.

(a) An original and four copies of a complaint shall be filed with the Area Administrator of the Labor-Management Services Administration for the area in which the alleged unfair labor practice occurred or if it occurred in two or more areas, the complaint shall be filed with the Area Administrator for the area in which the headquarters of the respondent is located.

(b) Simultaneously with the filing of a complaint and the parties' report of investigation, copies shall be served by the complainant on the respondent, and a written statement of such service shall be furnished to the Area Administrator.

§ 25.305 Investigation of the complaint.

(a) Upon the filing of a complaint the Area Administrator shall make such additional investigation as he deems necessary.

(b) The Area Administrator shall report the essential facts and positions of the parties, including any offers of settlement to the Regional Administrator.

§ 25.306 Action by Regional Administrator.

The Regional Administrator shall take appropriate measures which may consist of the approval of a withdrawal request or dismissal of the complaint, approval of a satisfactory offer of settlement, or the issuance of a notice of hearing.

§ 25.307 Withdrawal or dismissal of complaint.

(a) If the Regional Administrator determines that the complaint has not been timely filed, that a reasonable basis for the complaint has not been established, or that a satisfactory offer of settlement has been made, he may request the complainant to withdraw the complaint or in the absence of such withdrawal, within a reasonable time, he may dismiss the complaint.

(b) If the Regional Administrator dismisses the complaint, he shall furnish the complainant with a written statement of the grounds for dismissal, sending a copy of the statement to the respondent.

(c) The complainant may obtain a review of such action by filing a request for review with the Assistant Secretary within 10 days of service of such notice of dismissal and simultaneously serving a copy of such request on the Regional Administrator and the respondent. Statement of service shall be filed with the Assistant Secretary. The request for review shall contain a complete statement setting forth facts and reasons upon which the request is based.

§ 25.308 Notice of hearing.

The Regional Administrator may cause a notice of hearing to be issued if, after the filing of a complaint, he finds, based on the allegations and the report of investigation by the parties and any additional investigation by the Area Administrator, which has been reported to parties, that there is a reasonable basis for the complaint and that no satisfactory offer of settlement has been made.

§ 25.309 Contents of the notice of hearing.

The notice of hearing shall include:

(a) A copy of the complaint and the parties' report of investigation;

(b) A statement of the time and place of the hearing which shall be not less than ten (10) days after service of the notice of hearing, except in extraordinary circumstances;

(c) A statement of the nature of hearing;

(d) A statement of the authority and jurisdiction under which the hearing is to be held;

(e) A reference to the particular sections of the order and regulations of the Assistant Secretary involved;

§ 25.310 Conduct of hearing.

(a) Hearings shall be conducted by a hearing examiner and shall be open to the public unless otherwise ordered by the hearing examiner.

(b) An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript will not be provided to the parties but may be purchased by arrangement with the official reporter or may be examined in the Area Office during normal working hours.

§ 25.311 Intervention.

Any person desiring to intervene in any proceeding shall file a motion in writing or, if made at the hearing, may move orally on the record, stating the grounds upon which such person claims an interest. Prior to the hearing, such a motion shall be filed with the Regional Administrator issuing the notice of hearing; during the hearing such motion shall be made to the hearing examiner. An original and two copies of written motions shall be filed. Simultaneously upon filing such motion, the moving party shall serve a copy thereof on the other parties. The Regional Administrator shall rule upon all such motions filed prior to the hearing, and shall cause a copy of such rulings to be furnished to the other parties, or may refer the motion to the hearing examiner for ruling. The hearing examiner shall rule upon all such motions made at the hearing or referred to him by the Region Administrator. When the hearing examiner rules, before the hearing, on a motion referred to him by the Regional Administrator, he shall furnish copies of such ruling to the parties. The Regional Administrator or hearing examiner, as the case may be, may permit intervention in person or by counsel or other representative to such extent and upon such terms as he may deem proper.

§ 25.312 Rights of parties.

Any party shall have the right to appear at such hearing in person, by counsel, or by other representative, to examine and cross-examine witnesses, and to introduce into the record documentary or other relevant evidence, except that the participation of any party shall be limited to the extent permitted by the hearing examiner; and provided further, that two (2) copies of documentary evidence shall be submitted.

§ 25.313 Rules of evidence.

The parties shall not be bound by the technical rules of evidence. All relevant evidence is admissable, except as otherwise provided. A hearing examiner may, in his discretion, exclude any evidence or offer of proof pursuant to § 25.315. The hearing examiner shall give effect to the rules of privilege recognized by law. Every party shall have a right to present his case by oral and documentary evidence and to submit rebuttal evidence.

§ 25.314 Burden of proof.

A complainant in asserting a violation of the Order shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

§ 25.315 Duties and powers of the Hearing Examiner.

It shall be the duty of the hearing examiner to inquire fully into the facts as they relate to the matter before him. Upon assignment to him and before transfer of the case to the Assistant Secretary, the hearing examiner shall have the authority, subject to the Regulations of the Assistant Secretary to:

(a) Grant requests for appearance of witnesses or production of documents;

(b) Rule upon offers of proof and receive relevant evidence;

(c) Take or cause depositions to be taken whenever the ends of justice would be served thereby;

(d) Limit lines of questioning or testimony which are incompetent, immaterial or irrelevant;

(e) Regulate the course of the hearing and, if appropriate or necessary, summarily exclude from the hearing persons who engage in misconduct and strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(f) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(g) Dispose of procedural requests, motions, or similar matters which shall be made part of the record of the proceeding, including motions referred to the hearing examiner by the Regional

Administrator and motions to amend pleadings, also to recommend dismissal of cases or portions thereof, and to order hearings reopened prior to issuance of the hearing examiner's report and recommendations;

(h) Examine and cross-examine witnesses and to introduce into the record documentary or other evidence;

(i) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(j) Continue, at his discretion, the hearing from day-to-day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(k) Take any other action necessary under the foregoing and authorized by the regulations of the Assistant Secretary.

In the event the hearing examiner designated to conduct the hearing becomes unavailable, the Regional Administrator shall request the designation of another hearing examiner for the purpose of further hearing or issuance of a report and recommendations on the record as made, or both.

§ 25.317 Objection to conduct of hearing.

(a) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing accompanied by a short statement of the grounds for such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing. Such objection shall not stay the conduct of the hearing.

(b) Automatic exceptions will be allowed to all adverse rulings. Rulings by the hearing examiner shall not be appealed, but shall be considered by the Assistant Secretary only upon the filing of exceptions to the hearing examiner's report and recommendations in accordance with section 25.322.

§ 25.318 Motions before or after a hearing.

(a) All motions made before a hearing shall be made in writing to the Regional Administrator. All motions made after the transfer of the case to the Assistant Secretary shall be made in writing to the Assistant Secretary. All motions shall state briefly the relief sought, and shall be accompanied by affidavits setting forth the grounds for such motion. The moving party shall serve simultaneously a copy of all motion papers on all other parties. A statement of service shall accompany the motion. Answering affidavits, if any, must be served on all parties and the original thereof, together with two (2) copies and statement of service, shall be filed either with the Regional Administrator before the hearing or the Assistant Secretary after the hearing, within five (5) days after service of the moving papers unless it is otherwise directed.

(b) The Regional Administrator may rule upon all motions filed with him, causing a copy of such ruling to be served on the parties, or he may refer such motions to the hearing examiner. Rulings by the Regional Administrator shall not be appealed, but shall be considered by the Assistant Secretary when the case is transferred to him for decision.

§ 25.319 Waiver of objections.

Any objection not duly urged before a hearing examiner shall be deemed waived.

§ 25.320 Oral argument at the hearing.

Any party shall be entitled, upon request, to a reasonable period prior to the close of the hearing for oral argument, which shall be included in the official transcript of the hearing.

§ 25.321 Filing of brief.

Any party desiring to submit a brief to the hearing examiner shall file the original and one copy thereof within 7 days after the close of the hearing: *Provided, however*, That prior to the close of the hearing and for good cause, the hearing examiner may grant a reasonable extension of time. Copies thereof shall be served simultaneously on all other parties to the proceeding. Requests for additional time in which to file a brief under authority of this section not addressed to the hearing examiner during the hearing shall be made to the Assistant Secretary, in writing, and copies thereof shall be served simultaneously on the other parties. A statement of such service shall be furnished. Requests for extension of time shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except upon special leave of the hearing examiner.

§ 25.322 Submission of the hearing examiner's report and recommendations to the Assistant Secretary; exceptions.

(a) After the close of the hearing, and the receipt of briefs, if any, the hearing examiner shall prepare his report and recommendations. The report and recommendations shall contain findings of fact, conclusions, and the reasons or basis therefor, and recommendations as to the disposition of the case and, where appropriate, including the remedial action to be taken and notices to be posted.

(b) The hearing examiner shall cause his report and recommendations to be served promptly on all parties to the proceeding. Thereafter, the hearing examiner shall transfer the case to the Assistant Secretary including his report and recommendations and the record. The record shall include the complaint, notice of hearing, service sheet, motions, rulings, orders, official transcript of the hearing, stipulations, objections, depositions, documentary evidence and any briefs or other documents submitted by the parties.

(c) An original and two (2) copies of any exceptions to the hearing examiner's report and recommendations may be filed by any party with the Assistant Secretary within ten (10) days after service of the report and recommendations: *Provided, however*, That the Assistant Secretary may for good cause shown extend the time for filing such exceptions. Requests for additional time in which to file exceptions shall be in writing, and copies thereof shall be served simultaneously on the other parties. Requests for extension of time shall not be received later than three (3) days before the date they are due. Copies of such exceptions and any supporting briefs shall be served simultaneously on all other parties, and a statement of such service shall be furnished to the Assistant Secretary.

§ 25.323 Contents of exceptions to hearing examiner's report and recommendations.

Exceptions to a hearing examiner's report and recommendations shall:

(a) Set forth specifically the questions of procedure, fact, law, or policy to which exceptions are taken;

(b) Identify that part of the hearing examiner's report to which objection is made;

(c) Designate by precise citation of page the portions of the record relied on, state the grounds for the exceptions, and include the citation of authorities unless set forth in a supporting brief.

Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

§ 25.324 Briefs in support of exceptions.

Any brief in support of exceptions shall contain no matter not included within the scope of the exceptions and shall contain, in the order indicated, the following:

(a) A concise statement of the case containing all that is material to the consideration of the questions presented;

(b) A specification of the questions involved and to be argued;

(c) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page reference to the transcript and the legal or other material relied on.

Answering briefs to the exceptions, and cross-exceptions and supporting briefs, may be filed upon application at the discretion of the Assistant Secretary.

§ 25.325 Action by the Assistant Secretary.

(a) After considering the hearing examiner's report and recommendations, the record and any exceptions filed, the Assistant Secretary shall issue his decision.

(1) Upon finding a violation of the order the Assistant Secretary shall order the respondent to cease and desist from conduct violative of the order and may require the respondent to take such affirmative corrective action as the Assistant Secretary deems appropriate to effectuate the policies of the order.

(2) Upon finding no violation of the order, the Assistant Secretary shall dismiss the complaint.

(3) The Assistant Secretary may affirm or reverse the hearing examiner, in whole or in part, or make such other disposition of the matter as he deems appropriate.

(b) The Assistant Secretary may refer cases involving major policy questions to the Council for decision or general ruling in accordance with its regulations.

§ 25.326 Compliance with decisions and orders of the Assistant Secretary.

Where remedial action is ordered, compliance with decisions and orders of the Assistant Secretary shall be achieved by the respondent reporting to the Assistant Secretary, within a specified period, that the required remedial action has been taken. Where the Assistant Secretary finds that the required remedy has not been effected, he shall refer the matter to the Council for appropriate action.

Subpart E—Standards of Conduct for Labor Organizations

The Assistant Secretary's Regulations under section 18 of the order concerning the Standards of Conduct for Labor Organizations will be promulgated at a later date and appear in this Subpart.

Subpart F—Miscellaneous

§ 25.501 Computation of time for filing papers.

In computing any period of time prescribed by or allowed by the Regulations of the Assistant Secretary, the day of the act, event, or default after which the designated period of time begins to run, shall not be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or Federal legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or a Federal legal holiday. When the period of time prescribed, or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and Federal legal holidays shall be excluded from the computations. When the Regulations of the Assistant Secretary require the filing of any paper, such document must be received by the Assistant Secretary or the officer or agent designated to receive such matter before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted.

§ 25.502 Additional time after service by mail.

Whenever a party has the right or is required to do some act pursuant to the Regulations of the Assistant Secretary within a prescribed period after service of a notice or other paper upon him, and the notice or paper is served on him by mail, three (3) days shall be added to the prescribed period, provided, however, that three (3) days shall not be added if any extension of time may have been granted.

§ 25.503 Extension of time.

The Assistant Secretary, Regional Administrator or Area Administrator having authority to dispose of a matter, may extend, for good cause shown, any time prescribed in the Regulations of the Assistant Secretary.

§ 25.504 Form of documents.

(a) *Title.* Documents other than correspondence shall clearly show the title of the proceeding and the case number, if any.

(b) *Where to file.* All documents, correspondence, and papers filed prior to hearing shall be filed in accordance with the Regulations of the Assistant Secretary. During the course of the hearing, all matters shall be filed with the hearing officer or hearing examiner conducting the hearing. After the close of the hearing, all matters shall be filed with the Assistant Secretary unless the hearing officer or hearing examiner or the Regulations of the Assistant Secretary provide otherwise. Copies shall be served simultaneously on all interested parties. Statement of service shall be furnished.

§ 25.505 Number of copies; form.

Except as otherwise provided in the Regulations of the Assistant Secretary, any documents or papers shall be filed with four (4) copies in addition to the original. All matters filed shall be printed, typed, or otherwise legibly duplicated; carbon copies of typewritten matter will be accepted if they are clearly legible.

§ 25.506 Signature.

The original of each document filed shall be signed by the party or by an attorney or representative of record for the party, or by an officer of the party and shall contain the address and telephone number of the person signing it.

§ 25.507 Service of pleading and other paper: Statement of service.

(a) *Method of service.* Notices of hearings, decisions, orders and other papers may be served personally or by registered or certified mail or by telegraph.

(b) *Upon whom served.* All papers except complaints, petitions and papers relating to requests for apparence or production of documents, shall be served upon all counsel of record and upon parties not represented by counsel or by their agents designated by them or by law and upon the Assistant Secretary, or his designated officer or agent or examiner, where appropriate. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) *Statement of service.* The party or person serving the papers or process shall submit simultaneously to the Assistant Secretary or other designated representative, or the individual conducting the proceeding, a written statement of such service; failure to file a statement of service shall not affect the validity of the service. Proof of service shall be required only if subsequent to the receipt of a statement of service a question is raised with respect to proper service.

§ 25.508 Transfer of case to Assistant Secretary.

In any case in which it appears to the Regional Administrator that the proceedings raise questions which should be decided by the Assistant Secretary, he may, at any time, issue an order transferring the case to the Assistant Secretary for decision or other appropriate action. Such an order shall be served on the parties.

§ 25.509 Request for appearance of witnesses and production of documents at a hearing.

The Regional Administrator, hearing officer or hearing examiner may request the attendance of witnesses and the production of documents at a hearing held under the provisions of Subparts C and D of this part. A party may file a written application for such request with the Regional Administrator before the opening of a hearing or with a hearing officer or hearing examiner during the hearing. The application for the request shall name and identify the witness and the documents sought and the reason therefor. Notice of an application for request need not be communicated to the parties. The Regional Administrator, hearing officer or hearing examiner shall comply with the request provided the anticipated testimony or documents reasonably related to the matters under investigation and describes with sufficient particulars the documents sought. If the Regional Administrator, hearing officer or hearing examiner denies such request he shall make a statement as to the basis for his ruling, which shall become a part of the record. Upon the failure of any party or officer of any party to comply with a request issued by the Regional Administrator, hearing officer or hearing examiner or the Assistant Secretary may disregard all related evidence offered by the party failing to produce such evidence.

§ 25.510 Rules to be liberally construed.

(a) Whenever the Assistant Secretary finds that unusual circumstances or good cause exist and that strict compliance with the terms of the regulations in this part will work an injustice or unfairness, he shall construe the regulations in this part liberally to prevent injustices and to effectuate the purposes of the order.

(b) When an act is required or allowed to be done at or within a specified time the Assistant Secretary may at any time, in his discretion, order the period altered where it shall be manifest that strict adherence will work surprise or injustice or interfere with the proper effectuation of the order.

Dated at Washington, D.C., this 17th day of December 1969.

By order of

W. J. USERY, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[F.R. Doc. 69-15180; Filed, Dec. 19, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED APPLESAUCE

Identity Standard; Confirmation of Effective Date of Order Rejecting Proposal To List Nutritive Sweeteners and Change Label Declaration

In the matter of amending the definition and standard of identity for canned applesauce (21 CFR 27.80) to specify the nutritive sweeteners that may be used and to provide for certain changes in label declaration:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the negative order in the above-identified matter published in the FEDERAL REGISTER of October 18, 1969 (34 F.R. 16875). Accordingly, that order will become effective December 17, 1969.

Dated: December 12, 1969.

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

[F.R. Doc. 69-15114; Filed, Dec. 19, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-EA-156]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Lawrenceville, Va., transition area (34 F.R. 4714).

A revision of the VOR-1 instrument approach procedure for Lawrenceville Municipal Airport, Lawrenceville, Va., requires alteration of the transition area to provide airspace protection for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

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

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lawrenceville, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Lawrenceville, Va., transition area and insert the following in lieu thereof, "That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 36°46'20" N., 77°47'45" W., of Lawrenceville Municipal Airport, Lawrenceville, Va., and within 2 miles each side of the Lawrenceville VOR 117° radial, extending from the 5-mile radius area to the VOR.".

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

Issued in Jamaica, N.Y., on December 9, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-15136; Filed, Dec. 19, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-155]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot transition area over Wheeler-Sack Army Airfield, Great Bend, N.Y.

A new NDB (ADF) RWY 8 instrument approach procedure has been developed for Wheeler-Sack Army Air Field, Camp Drum, N.Y., and will require designation of a 700-foot and 1,200-foot transition area to provide airspace protection for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

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

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation, Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Great Bend, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Great Bend, N.Y., transition area described as follows:

GREAT BEND, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 44°03'25" N., 75°43'15" W., of Wheeler-Sack AAF, N.Y.; within 2 miles each side of the Wheeler-Sack AAF runway 15 centerline, extended from the 5-mile radius area to 5 miles southeast of the end of the runway; within 2 miles each side of the Wheeler-Sack AAF runway 21 centerline, extended from the 5-mile radius area to 7.5 miles south of the end of the runway; within 3 miles each side of the Watertown, N.Y., VOR 069° radial, extending from the 5-mile radius area to the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 43°52'00" N., 75°54'00" W., to 43°50'30" N., 75°53'30" W., to 43°51'30" N., 75°40'00" W., to 43°59'30" N., 75°30'00" W., to 44°08'00" N., 75°30'00" W., to 44°10'30" N., 75°31'00" W., to 44°13'00" N., 75°42'20" W. to point of beginning, excluding the portion which coincides with the Watertown, N.Y. 700-foot and 1,200-foot transition area.

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

Issued in Jamaica, N.Y., on December 9, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-15137; Filed, Dec. 19, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-87]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that

would alter the description of the Santa Rosa, Calif., control zone.

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

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

The hours of operation of the Santa Rosa, Calif., control tower are currently designated from 0600 to 2200 hours local time daily. Effective December 11, 1969, these hours will be changed to 0700 to 2300 hours local time daily. It is expected, however, that seasonal changes in the hours of operation of the control tower will be necessary in the future. The use of the NOTAM is proposed to designate these changes, when required, to designate the effective hours of the control zone to coincide with the hours of operation of the control tower.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (34 F.R. 4557) as modified by (34 F.R. 18379) is further amended to read as follows.

SANTA ROSA, CALIF.

Within a 5-mile radius of Sonoma County Airport (latitude 38°30'30" N., longitude 122°48'45" W.) and within a 1-mile radius of Santa Rosa Coddington Airport (latitude 38°29'30" N., longitude 122°44'25" W.). This control zone shall be 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.

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

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

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-15138; Filed, Dec. 19, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-60]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would designate a transition area for St. George Airport, Utah, and alter the airway floors between Mormon Mesa, Nevada; Cedar City, and Bryce Canyon, Utah.

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

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

Instrument approach and holding procedures have been developed based upon the State-owned radio beacon located on the airport at St. George, Utah. These procedures have been established utilizing the 131° T (116° M) and 311° T (296° M) bearing from the radio beacon. The proposed transition area will provide controlled airspace protection for aircraft executing prescribed instrument procedures.

In conjunction with the transition area, the airway floor for V-8 between Mormon Mesa, Nevada, and Bryce Canyon, Utah, must be changed. In addition, the floors for V-21 east between Mormon Mesa and Cedar City, Utah, and V-8 north between Hurricane intersection and Cedar City must also be changed. This action is necessary to provide controlled airspace protection for aircraft crossing the St. George radio beacon at minimum altitude of 8,800 feet MSL and climbing to 500 feet below published MEAs for the respective airways. Consideration was given to terrain, chart legibility and ease of charting in arriving at proposed floors of 12 AGL.

In consideration of the foregoing, the FAA proposes the following airspace actions:

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

ST. GEORGE, UTAH

That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 6 miles southwest of the 131° bearing from the St. George radio beacon (latitude 37°05'13" N., longitude 113°35'27" W.) extending from 12.5 to 18.5 miles southeast of the radio beacon; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 6 miles southwest of the 131° and 311° bearings from the St. George radio beacon, extending from 7 miles northwest to 12.5 miles southeast of the radio beacon.

In § 71.123 (34 F.R. 4509) the descriptions of Federal Airways V-8, and V-21 are amended in part as follows:

1. V-8—delete all between "* * * Las Vegas, Nevada; * * *" and "* * * 12 AGL INT Cedar City 004° * * *" and substitute therefore "* * * 12 AGL Bryce Canyon, Utah, including a 12 AGL north alternate from INT Morman Mesa 059° and Cedar City, Utah, 197° radials to Cedar City * * *".

2. V-21—delete all between "* * * 12 AGL Milford, Utah * * *" and "* * * 12 AGL to Milford * * *" and substitute therefore "* * * including a 12 AGL east alternate via INT of Morman Mesa 059° and Cedar City, Utah, 197° radials to Cedar City, * * *"

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

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

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-15139; Filed, Dec. 19, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-12]

FEDERAL AIRWAYS

Supplemental Notice of Proposed Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER on August 1, 1969 (34 F.R. 12594), it was stated that the Federal Aviation Administration proposed to remove the designated ceiling altitude of 9,000 feet MSL from the segment of VOR Federal airway No. 17 between McAllen, Tex., and Laredo, Tex.

In accordance with the terms of the notice, the time for public comment was to expire on August 31, 1969.

It has now been determined that the designated ceiling for V–17 segment between McAllen and Laredo should be retained at 9,000 feet MSL and that a west alternate segment to V–17 should be designated between McAllen and Laredo via the intersection of the McAllen 301° T (292° M) and Laredo 150° T (160 °M) radials, excluding the portion within Mexico and the airspace between V–17 main airway segment and V–17 west alternate between McAllen and Laredo.

This revised proposal would provide a west alternate airway segment to accommodate the operation of turbojet aircraft operating between McAllen and Laredo and would retain off airway airspace above V–17 main airway segment and east of the west alternate segment wherein military air training operations may be accommodated.

In consideration of the foregoing, notice is hereby given that all comments received on Airspace Docket No. 69–SW–12 on or before January 16, 1970, will be considered by the FAA before action is taken on the regulatory actions proposed herein.

Communications should be submitted to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101.

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

Issued in Washington, D.C., on December 12, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–15140; Filed, Dec. 19, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 150]

RECOGNITION OF AGREEMENT STATE LICENSES

Notice of Proposed Rule Making

A general license is provided in § 150.20 of the Atomic Energy Commission's regulations, 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," authorizing any person who holds a specific license from an Agreement State to conduct the same activity in non-Agreement States, unless the specific license limits the activities authorized by the license to specified installations or locations. The Agreement States have similar regulations which recognize specific licenses issued by the other Agreement States and the Commission.

The Atomic Energy Commission is considering amendments to the general license in § 150.20 which would (a) increase the time during which persons holding specific licenses from Agreement States may engage in activities in non-Agreement States under the general license from 20 days in any period of 12 consecutive months to 180 days in any calendar year; (b) limit the application of the general license to a person holding a specific license issued by the State where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained; and (c) modify the requirements for notifying the Commission of proposed activities to be conducted in non-Agreement States under the general license.

Persons proposing to engage in activities in non-Agreement States under § 150.20 are not required to file Form AEC–241, "Report of Proposed Activities in Non-Agreement States," with the Commission prior to engaging in any such activity and are limited under the general license to 20 days in any period of 12 consecutive months.

The limitation of 20 days in any period of 12 consecutive months has discouraged use of the general license by Agreement State specific licensees who are engaged in transient field operations of uncertain duration, and results in the issuance by the Commission and Agreement States of multiple specific licenses for the same activity. Thus persons conducting transient operations throughout the United States may obtain specific licenses covering the same activity from the AEC and each of the 21 Agreement States. Under such circumstances multiple specific licenses impose an administrative and financial burden upon licensees and the license-issuing agencies without significant improvement of the health and safety aspects of the transient operations.

To facilitate use of the general license in § 150.20 and to reduce the number of specific licenses which need to be issued by the Commission and Agreement States for the same activity, the Commission has under consideration amendments of the general license in § 150.20 to permit Agreement State specific licensees to engage in activities in non-Agreement States up to 180 days in any calendar year.

The proposed amendments to § 150.20 would limit the application of the general license to a person holding a specific license issued by the Agreement State where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained. This State would be in the best position to evaluate the conduct of the licensed activities and to require and enforce any corrective measures which might be desirable or necessary in the interest of public health and safety.

To provide opportunity for the Commission to inspect persons conducting activities under the general license in § 150.20, the general license would be further amended to require the State specific licensee to file Form AEC–241, "Report of Proposed Activities in Non-Agreement States," at least 3 days prior to engaging in any activity in non-Agreement States under § 150.20. The Director of the Commission's appropriate Regional Compliance Office would be authorized to permit commencement of the proposed activity without the 3-day prior notice upon receipt of telephone notification. In addition, he would be authorized to waive the requirement for filing additional reports during the remainder of the calendar year, following receipt of the initial report.

The proposed amendments to § 150.20 which follow should permit a greater number of Agreement State specific licensees to use the general license, reduce the need for multiple specific licenses, and reduce the number of reports required of persons proposing to engage in activities under the general license. The amendments are expected to simplify licensing of radioactive materials without compromising health and safety.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 150 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments may be examined in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Section 150.20 of 10 CFR Part 150 is amended to read as follows:

§ 150.20 Recognition of Agreement State Licenses.

(a) Subject to the provisions of paragraph (b) of this section, any person who holds a specific license from an Agreement State where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the same activity in non-Agreement States: *Provided*, That the specific license does not limit the activity authorized by the license to specified installations or locations.

(b) Notwithstanding any provision to the contrary in any specific license issued by an Agreement State to a person who engages in activities in a non-Agreement State under a general license provided in

this section, the general license provided in this section is subject to the provisions of §§ 30.14(d), 30.34, and 30.51 to 30.63 inclusive of Part 30 of this chapter; §§ 40.41, 40.61 to 40.63 inclusive, 40.71 and 40.81 of Part 40 of this chapter; and §§ 70.32, 70.51 to 70.56 inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provisions of Parts 20 and 71 and Subpart B of Part 34 of this chapter. In addition, any person who engages in activities in non-Agreement States under a general license provided in this section:

(1) Shall, at least 3 days prior to engaging in each such activity, file four copies of Form AEC–241 (revised), "Report of Proposed Activities in Non-Agreement States," and four copies of his Agreement State specific license with the Director of the Atomic Energy Commission Regional Compliance Office listed in Appendix D of Part 20 of this chapter for the region in which the Agreement State that issued the specific license is located. The Director of the Atomic Energy Commission Regional Compliance Office may authorize such person to commence the activity upon notification by telephone of intent to conduct the proposed activity under the general license: *Provided, however,* That four copies of Form AEC–241 (revised) and four copies of the Agreement State license shall be filed within 3 days after the telephone notification. The Director of the Atomic Energy Commission Regional Compliance Office may waive the requirement for filing additional Forms AEC–241 (revised) during the remainder of the calendar year following the receipt of the initial Form AEC–241 (revised) from a person engaging in activities under the general license provided in this section;

(2) Shall not, in any non-Agreement State transfer or dispose of radioactive material possessed or used under the general license provided in this section except by transfer to a person (i) specifically licensed by the Commission to receive such material, or (ii) exempt from the requirements for a license for such material under § 30.14 of this chapter;

(3) Shall not possess or use radioactive material, or engage in the activities authorized in paragraph (a) of this section for more than 180 days in any calendar year;

(4) Shall comply with all terms and conditions of the specific license issued by an Agreement State except such terms or conditions as are contrary to the requirements of this section.

(Secs. 161, 274, 68 Stat. 948; 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Germantown, Md., this 8th day of December 1969.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 69–15099; Filed, Dec. 19, 1969; 8:45 a.m.]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Notice of Proposed Rule-Making

Notice is hereby given that under authority of section 8913 of title 5, United States Code, it is proposed to amend Part 890 of title 5 of the Code of Federal Regulations to provide coverage for Presidential appointees appointed to fill an unexpired term. Interested persons may submit written comments, objections, or suggestions to the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendment is set out below:

§ 890.102 Coverage.

* * * * *

(c) The following employees are not eligible:

(1) An employee serving under an appointment limited to 1 year or less, except an acting postmaster, and a Presidential appointee appointed to fill an unexpired term.

* * * * *

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

[F.R. Doc. 69–15147; Filed, Dec. 19, 1969; 8:48 a.m.]

Notices

FEDERAL POWER COMMISSION

[Docket No. G-4575 etc.]

WILLIAM K. FINCH ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 12, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4575..... E 11-21-69	William K. Finch (successor to Fred Finch Estate[1]), 636 South Second Ave., Paden City, W. Va. 26159.	Pennzoil United, Inc., acreage in Harrison County, W. Va.	[2] 12.0 [3] 15.0	15.325
G-6545..... 11-10-69 [4]	Breckenridge Gasoline Co., Post Office Box 1272, Breckenridge, Tex. 76024.	Arkansas Louisiana Gas Co., Lodi Plant, Cass County, Tex.	11.7947	15.025
G-11571..... E 11-21-69	William K. Finch (successor to Fred Finch Estate[1]).	Pennzoil United, Inc., acreage in Harrison County, W. Va.	[2] 12.0 [3] 15.0	15.325
G-16287..... C 11-7-69	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	El Paso Natural Gas Co., East and West Panhandle Fields, Wheeler, Collingsworth and Gray Counties, Tex.	14.0	14.65
CI60-444..... E 11-14-69	S.S.C. Gas Producing Co. (successor to Tri Gas Co.) c/o Tommy F. Staples, partner, Post Office Box 292, Pettus, Tex. 78146.	Trunkline Gas Co., Fox Field, Bee County, Tex.	13.0	14.65
CI61-516..... C 11-19-69	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Hutchinson Unit, Major County, Okla.	[4] 16.0	14.65
CI61-612..... E 11-26-69	R. N. Usher (successor to J. M. Deavenport), c/o B. H. Keyes, agent, Box 842, Aztec, N. Mex. 87410.	El Paso Natural Gas Co., Fruitland Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.025
CI61-1226..... E 11-14-69	S.S.C. Gas Producing Co. (successor to Tri Gas Co.).	Trunkline Gas Co., Byrne Field, Bee County, Tex.	13.0	14.65
CI64-1302..... E 11-21-69	Reading & Bates, Inc. (Operator) et al. (successor to Reading & Bates Offshore Drilling Co. (Operator), et al.), 1100 Philtower Bldg., Tulsa, Okla. 74103.	Oklahoma Natural Gas Gathering Corp.,[7] Ringwood Area, Major County, Okla.	[4] 12.0	14.65
CI64-1336..... E 11-21-69	do	El Paso Natural Gas Co., North Justis Blinebry and North Justis Tubb-Drinkard Fields, Lea County, N. Mex.	10.0	14.65
CI65-494..... E 11-12-69	Brammer Engineering Inc. (successor to J. C. Trahan, Drilling Contractor, Inc.), Post Office Box 7556, Shreveport, La. 71107.	Texas Eastern Transmission Corp., North Liberty Hill Field, Bienville Parish, La.	[5] 16.39996 [10] 14.64996	15.025
CI66-366..... E 11-17-69	Amarex, Inc. (Operator), et al. (successor to W. J. Fellers (Operator) et al.), 816 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Phillips Petroleum Co., Hugoton Field, Sherman County, Tex.	[11] 11.7961	14.65
CI66-784..... C 11-19-69	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	The Manufacturers Light & Heat Co., Wharton Township, Fayette County, Pa.	25.0	15.325
CI66-878..... E 11-21-69	Reading & Bates, Inc. (Operator), et al. (successor to Reading & Bates Offshore Drilling Co.).	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	[12] 17.065	14.65
CI67-35..... 7-25-69 [13]	Colonial Production Co. (Operator), et al. (successor to Douglas E. Florance).	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	12.0	15.025
CI67-248..... 11-12-69 [14]	Beacon Gasoline Co., Post Office Box 396, Minden, La. 71055.	Bodcaw Co., acreage in Webster Parish, La.	[15] 1.5 [16] 1.0	15.025
CI67-884..... E 11-21-69	Reading & Bates, Inc. (Operator), et al. (successor to Reading & Bates Offshore Drilling Co. (Operator), et al.).	Northern Natural Gas Co., West Six Mile Field, Beaver County, Okla.	[17] 17.015	14.65
CI68-161..... E 11-21-69	Reading & Bates, Inc. (Operator), et al. (successor to Reading & Bates Offshore Drilling Co., et al.).	do	[18] 17.015	14.65
CI68-207..... C 11-25-69	Pan American Petroleum Corp.	Arkansas Louisiana Gas Co., Red Oak Field, Latimer County, Okla.	[19] 15.0	14.65
CI68-260..... 7-25-69 [13]	Colonial Production Co. (Operator) et al. (successor Douglas E. Florance, et al.).	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	12.0	15.025
CI68-625..... (CI70-507) C 12-1-69 [20]	Mesa Petroleum Co. (Operator) et al., Post Office Box 2009, Amarillo, Tex. 79105.	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	[21] 17.0	14.65
CI68-1102..... B 11-24-69 [22]	Sklar & Phillips Oil Co. (formerly Sklar Producing Co., Inc.), 2025 Mansfield Rd., Shreveport, La. 71103.	Transcontinental Gas Pipe Line Corp., Vacherie Field, St. James Parish, La.	([23])	.....
CI69-751..... E 11-21-69	Reading & Bates, Inc. (Operator) et al. (successor to Reading & Bates Offshore Drilling Co. (Operator) et al.).	Humble Gas Transmission Co., Magnolia Field, Adams County, Miss.	13.0	15.025
CI69-1152..... C 12-1-69	D. R. Lauck Oil Co., Inc., et al., 301 South Broadway, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., State Line Field, Woods County, Okla.	[24] 15.0	14.65
CI69-1213..... C 11-20-69	King Resources Co., c/o Lloyd R. Wade, 570 First National Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	[24] 15.0	14.65
CI70-113..... D 10-27-69	John H. Hill, 100 Southland Center, Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., Southwest Cedardale Field, Woodward County; Northwest Six Mile Field, Beaver County, Okla.	([25])	.....
CI70-457..... A 5-1-69	G. E. Griffin, agent	United Fuel Gas Co., Cabin Creek District, Kanawha County, W. Va.	15.692	15.325

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

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI70-463..... A 11-13-69	Bridwell Oil Co., Post Office Drawer 1830, Wichita Falls, Tex. 76307.	Mountain Fuel Supply Co., Leucite Hills Field, Sweetwater County, Wyo.		15.025
CI70-464..... A 11-13-69	Whitmore & Co., Inc., 220 East 67th St., New York, N.Y. 10021.	United Fuel Gas Co., Jefferson District, Lincoln County, W. Va.	25.0	15.325
CI70-465..... A 11-14-69	Colorado Oil & Gas Corp., Box 749, Denver, Colo. 80201.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Field, Cimarron County, Okla.	[2] 17.0	14.65
CI70-466..... A 11-14-69	L. E. Jones Production Co., et al., Post Office Box 451, Duncan, Okla. 73533.	Lone Star Gas Co., West Duncan Field, Stephens County, Okla.	15.0	14.65
CI70-467..... A 11-17-69	Amerada Hess Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Sea Robin Pipeline Co., Block 16, South Marsh Island Area, Offshore Louisiana.	[3] 21.25	15.025
CI70-468..... A 11-17-69	Southern Minerals Corp., Post Office Box 716, Corpus Christi, Tex. 78403.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Zim Field Area, Zapata County, Tex.	17.8	14.65
CI70-469..... A 11-17-69	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	Kansas-Nebraska Natural Gas Co., Inc., West Reydon Field, Roger Mills County, Okla.	[3] 15.0	14.65
CI70-470..... A 11-17-69	Texaco, Inc.	Sea Robin Pipeline Co., Block 265 Field, East Cameron Area, Offshore Louisiana.	22.0	15.025
CI70-472..... A 11-19-69	R. E. Hibbert, 1142 Houston Club Building, Houston, Tex. 77002.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[3] 18.0	14.65
CI70-475..... A 11-20-69	Crest Petroleum, Inc., 9631 East Kellogg, Wichita, Kans. 67207.	Clinton Oil Co., Weir Lease, Cowley County, Kans.	6.2	14.65
CI70-476..... A 11-20-69	Crest Petroleum, Inc.	Clinton Oil Co., Collinson Lease, Cowley County, Kans.	6.2	14.65
CI70-477..... A 11-20-69	H. L. Hunt, 1401 Elm St., Dallas, Tex. 75202.	Michigan Wisconsin Pipe Line Co., acreage in Woodward and Major Counties, Okla.	[3] 20.515	14.65
CI70-478..... A 11-20-69	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	Transcontinental Gas Pipe Line Corp., Block 45 Field (Block 20), West Cameron Area, Gulf of Mexico.	[3] 21.25	15.025
CI70-479..... A 11-21-69	Ladd Petroleum Corp. et al., 830 Denver Club Bldg., Denver, Colo. 80202.	Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans.	16.0	14.65
CI70-480..... A 11-21-69	Texaco, Inc.	Natural Gas Pipeline Co. of America, Stroman Field, Jim Hogg County, Tex.	[2] 16.0	14.65
CI70-481..... A 11-21-69	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Mountain Fuel Supply Co., Leucite Hills Unit, Sweetwater County, Wyo.	15.0	15.025
CI70-483..... B 11-24-69	James Muslow et al.	Arkansas Louisiana Gas Co., Darley Field, Claiborne Parish, La.	Depleted	.....
CI70-484..... B 11-24-69	Smith Operating & Management Co., Inc.	United Gas Pipe Line Co., Joaquin Field, Shelby and Panola Counties, Tex.	Depleted	.....
CI70-485..... A 11-24-69	Irish Oil & Gas Co. et al., 1408 C & I Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., North Elton Field, Allen Parish, La.	20.0	15.025
CI70-486..... A 11-24-69	Whitney Operating Co., Post Office Box 2139, Tulsa, Okla. 74101.	Arkansas Louisiana Gas Co., Ames Area, Major County, Okla.	[3] 15.0	14.65
CI70-487..... A 11-24-69	Everett J. Carlson, Operator, 608 Alamo National Bldg., San Antonio, Tex. 78205.	United Gas Pipe Line Co., Melrose Field, Goliad County, Tex.	16.0	14.65
CI70-488..... B 11-24-69	Texaco, Inc.	Valley Gas Transmission Co., North Fannin Field, Goliad County, Tex.	Depleted	.....
CI70-489..... B 11-21-69	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	South Texas Natural Gas Gathering Co., Monte Christo Field, Hidalgo County, Tex.	Depleted	.....
CI70-490..... B 11-24-69	Douglas V. Smith (Operator) et al.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	Depleted	.....
CI70-491..... (CS66-85) (CS66-86) 11-13-69 [9]	Miles Kimball Co., d.b.a. Kimball Production Co. (Operator) et al., 2320 First City National Bank Bldg., Houston, Tex. 77002.	Northern Natural Gas Co., Lockridge Field, Ward County, Tex.	[2] 16.5	14.65
CI70-492..... (CS66-85) (CS66-86) (CS66-87) 11-12-69 [10]	do.	Northern Natural Gas Co., Coyanosa Plant, Pecos County, Tex.	[2] 16.5	14.65
CI70-493..... A 11-25-69	Anadarko Production Co., Post Office Box 9817, Fort Worth, Tex. 76107.	Panhandle Eastern Pipe Line Co., West Elkhart Field, Morton County, Kans.	16.0	14.65
CI70-494..... A 11-25-69	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., North Hardesty Field, Texas County, Okla.	17.0	14.65
CI70-495..... A 11-25-69	John H. Hill	Western Gas Interstate Co., Northwest Six Mile Field, Beaver County, Okla.	14.5	14.65
CI70-497..... A 11-26-69	Andarko Production Co.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	[2] 16.0	14.65
CI70-498..... (G-2584) F 11-21-69	Tenneco Oil Co. (successor to Mobil Oil Corp.), Post Office Box 2511, Houston, Tex. 77001.	Montana-Dakota Utilities Co., Slick Creek Field, Washakie County, Wyo.	14.641	15.025
CI70-499..... (G-19009) F 11-24-69	Exchange Oil & Gas Co. (successor to Texas Gas Exploration Corp.), 1200 Oil & Gas Bldg., New Orleans, La. 70112.	Transcontinental Gas Pipe Line Corp., Block 172, Eugene Island Area, Offshore Louisiana.	18.0	15.025
CI70-500..... A 11-28-69	J. M. Huber Corp. (Operator) et al., 2300 West Loop, Houston, Tex. 77027.	Mountain Fuel Supply Co., South Baggs Area, Carbon County, Wyo. and Moffat County, Colo.	15.0	15.025
CI70-501..... A 11-28-69	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Grant County, Kans.	[2] 16.0	14.65
CI70-502..... A 11-28-69	King Resources Co.	Northern Natural Gas Co., North Mocane Field, Beaver County, Okla.	[2] 17.0	14.65
CI70-503..... A 12-1-69	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Northeast Nada Field, Colorado County, Tex.	17.0	14.65
CI70-505..... (CI62-7) (CI63-636) F 11-26-69	Phil W. Phillips (successor to Oklahoma Natural Gas Co. and Apache Corp.)	Northern Natural Gas Co., Laverne Area, Beaver County, Okla.	[2] 18.01	14.65
		El Paso Natural Gas Co., Laverne Area, Beaver County, Okla.	[2] 17.0	14.65
CI70-506..... (CI62-1184) 11-26-69 [11]	Texas Pacific Oil Co., Inc., 1700 One Main Pl., Dallas, Tex. 75250.	Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.	[2] 16.0	14.65
CI70-508..... A 12-1-69	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla.	[2] 17.0	14.65
CI70-509..... A 12-1-69	W & M Oil & Gas Co., c/o Robert Weeks, agent, 3031 Wallace Circle, Huntington, W. Va. 25705.	Equitable Gas Co., Cove District, Doddridge County, W. Va.	27.0	13.325

[1] Certificate issued to Fred Finch.
[2] Production from the Adams Lease.
[3] Production from the Ferris Lease.
[4] Adds additional gas to contract.
[5] Certificate issued to Fred Finch, et al.
[6] Includes 1 cent per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[7] Elcor Chemical Corp. (successor to National Fuels Corp.) purchases liquids.
[8] Rate in effect subject to refund in Dockets Nos. RI66-342 and RI68-470.
[9] For first 2,800 Mcf per month.
[10] Over 2,800 Mcf per month.
[11] Rate in effect subject to refund in Dockets Nos. RI63-1 and RI66-254.
[12] Rate in effect subject to refund in Docket No. RI68-604. Subject to upward and downward B.t.u. adjustment.
[13] Rate in effect subject to refund in Docket No. RI68-658. Subject to upward and downward B.t.u. adjustment.
[14] Letter filed to reflect applicant as the new operator of the subject properties; no change in interest is involved.
[15] Applicant requests authorization to gather and compress the subject gas. The gas will be processed in applicant's plant and delivered to Texas Gas Transmission Corp. under agreement with Bodcaw Co.
[16] Gathering charge; to be reduced to ¼ cent per Mcf after cost of gathering facilities has been recovered or 5 years has elapsed from date of initial delivery, whichever occurs first.
[17] Compression charge.
[18] Rate in effect subject to refund in Docket No. RI69-304. Subject to upward and downward B.t.u. adjustment.
[19] Rate in effect subject to refund in Docket No. RI68-658. Subject to upward and downward B.t.u. adjustment.
[20] Contract provides for rate of 16 cents per Mcf; however, Applicant states its willingness to accept certificate authorization at 15 cents.
[21] Application was erroneously assigned Docket No. CI70-307. Docket No. CI70-307 is canceled and application will be processed as an amendment to add acreage in Docket No. CI68-625.
[22] Subject to upward and downward B.t.u. adjustment.
[23] Original application in Docket No. CI68-1182 sought certificate of public convenience and necessity to partially continue service previously rendered by Hurley Oil & Gas Co. in Docket No. G-17775. Applicant now proposes to abandon the subject service previously commenced pursuant to temporary authorization.
[24] Acreage reassigned to Hurley Oil & Gas Co.
[25] Deletes 305 acres from original dedication.
[26] Contract provides for rate of 17 cents per Mcf, plus B.t.u. adjustment; however, Applicant states its willingness to accept permanent certificate conditioned to 15 cents per Mcf, subject to B.t.u. adjustment.
[27] Includes 1.015-cent tax reimbursement. Subject to upward and downward B.t.u. adjustment.
[28] Contractually authorized price is 17.96875 cents per Mcf; however, Applicant states its willingness to accept certificate at 16 cents per Mcf

See footnotes at end of table.

[10] Subject to upward and downward B.t.u. adjustment. Also subject to deduction for compression, if required.
[11] Sales initiated under Applicants small producer certificates in Dockets Nos. CS66-85 and CS66-86.
[12] As adjusted for quality.
[13] Sales initiated under Applicants' small producer certificates in Dockets Nos. CS66-85, CS66-86, and CS66-87.
[14] Rate in effect subject to refund in Dockets Nos. RI66-232 and RI68-22.
[15] Applicant is filing for certificate to cover its own interest presently covered under Atlantic Richfield Co's., FPC GRS No. 481 and certificate in Docket No. CI62-1184.
[16] Rate in effect subject to refund in Docket No. RI69-20.

[F.R. Doc. 69-15033; Filed, Dec. 19, 1969; 8:45 a.m.]

[Docket No. RI70-808, etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 12, 1969.

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

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

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 28, 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 dockets Nos.
RI70-808	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	192	13	Transwestern Pipeline Co. (Puckett-Ellenburger Field, Pecos County, Tex.) (RR. District No. 8).	$1,128,435	11-14-69	[2] 12-15-69	5-15-70	10.8372	[3] [4] 14.0613	RI69-321.
	do	193	23	Transwestern Pipeline Co., (Waha and Worsham Fields, Reeves County, Tex.) (RR. District No. 8).	15,066 63,780	11-14-69	[2] 12-15-69	5-15-70	[5] 16.8722 [6] 16.8032	[3] [4] 18.0788 [3] [4] 18.0788	RI69-321. RI69-321.
RI70-809	Gulf Oil Corp.	194	12	Transwestern Pipeline Co. (McKee Field, Crane County, Tex.) (RR. District No. 8).	16,070	11-14-69	[2] 12-15-69	5-15-70	16.4718	[3] [4] 18.0788	RI69-320.
	do	197	16	Transwestern Pipeline Co. (Puckett Devonian Field, Pecos County, Tex.) (RR. District No. 8).	80,050	11-14-69	[2] 12-15-69	5-15-70	16.4416	[3] 18.0426	RI69-320.
	do	342	12	Transwestern Pipeline Co. (Crawar and South Hemer Fields, Crane, Pecos and Ward Counties, Tex.) (RR. District No. 8).	56,734	11-14-69	[2] 12-15-69	5-15-70	[7] 16.8822	[3] [7] 18.0185	RI69-320.
	do	376	6	Transwestern Pipeline Co. (Worsham Field, Reeves County, Tex.) (RR. District No. 8).	6,441	11-14-69	[2] 12-15-69	5-15-70	[8] 17.4661	[3] [8] 18.0814	RI69-600.

[2] The stated effective date is the effective date requested by respondent.
[3] Respondent is filing from a fractured rate for the remaining portion of a periodic increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Residue gas not derived from new gas-well gas.
[6] Old gas-well gas.
[7] Applicable to Crawar Field sales only.
[8] Periodic rate increase.
[9] Applicable to casinghead gas only.

Gulf Oil Corp. (Operator) et al., and Gulf Oil Corp.'s proposed rates and charges exceed the applicable area price level for Texas Railroad District No. 8 as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56) and are suspended for 5 months from December 15, 1969, the proposed effective date.

[F.R. Doc. 69-15034; Filed, Dec. 19, 1969; 8:45 a.m.]

[Dockets Nos. RP70-7, RP70-17]

SOUTH GEORGIA NATURAL GAS CO.

Order Permitting Tracking of Purchased Gas Increase, Suspending Proposed Revised Tariff Sheets Pending Effectiveness of Supplier Rate Increase, and Consolidating Proceedings

DECEMBER 15, 1969.

South Georgia Natural Gas Co. (South Georgia) on November 14, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1,[1] to become effective on December 16, 1969. South Georgia requests waiver of § 154.66 (b) of our regulations to permit the filing of the proposed tariff sheets.

The proposed changes in rates would result in an estimated increase in jurisdictional revenues of $46,228 annually, based on sales volumes for the 12-month period ended May 31, 1969, as adjusted. This is in addition to the increased jurisdictional revenues of $1,340,475 which would result from placing into effect the rates suspended by our order issued October 29, 1969, in Docket No. RP70-7. The subject rate increase tracks the rate increase filed by South Georgia's supplier, Southern Natural Gas Co. on November 14, 1969, in Docket No. RP70-16. Southern Natural requested an effective date of December 16, 1969, for its proposed rate increase.

South Georgia proposes an effective date of December 16, 1969, the requested effective date of Southern Natural's increase or such later date as the Commission may prescribe for Southern in Docket No. RP70-16.

Since South Georgia's rates are presently the subject of proceedings in Docket No. RP70-7, it appears appropriate that the proposed rate increase in Docket No. RP70-17 be consolidated with the RP70-7 proceedings.

The Commission finds: Good cause exists for waiving § 154.66(b) of the Commission's regulations to permit the filing of the proposed revised tariff sheets.

[1] Seventeenth Revised Sheet No. 5, 16th Revised Sheet No. 6, Eighth Revised Sheet No. 9, Seventh Revised Sheet No. 11, 11th Revised Sheet No. 12B.

The Commission orders:

(A) Section 154.66(b) of the Commission's regulations under the Natural Gas Act is hereby waived to permit the filing of the instant tariff sheets.

(B) The revised tariff sheets are hereby suspended and their use deferred until May 16, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act; *Provided, however,* That South Georgia shall not make the increase proposed herein effective prior to the date that the increased rates proposed by Southern in Docket No. RP70–16 are made effective.

(C) The subject increase in Docket No. RP70–17 is hereby consolidated with the proceedings in Docket No. RP70–7, and is, therefore, subject to orders issued by this Commission in Docket No. RP70–5.

By the Commission.

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

[F.R. Doc. 69–15112; Filed, Dec. 19, 1969; 8:45 a.m.]

[Dockets Nos. RP70–5, RP70–16]

SOUTHERN NATURAL GAS CO.

Order Permitting Tracking of Purchased Gas Increase, Suspending Proposed Revised Tariff Sheets Pending Effectiveness of Supplier Rate Increase, and Consolidating Proceedings

DECEMBER 15, 1969.

Southern Natural Gas Co. (Southern) on November 14, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1,[1] to become effective on December 16, 1969. Southern requests waiver of § 154.66(b) of our regulations to permit the filing of the proposed tariff sheets.

The proposed changes in rates would result in an estimated increase in jurisdictional revenues of $2,378,650 annually, based on sales volumes for the 12-month period ended April 30, 1969, as adjusted. This is in addition to the increased jurisdictional revenues of $37,830,641 which would result from placing into effect the rates suspended by our order issued September 23, 1969, in Docket No. RP70–5. The subject rate increase tracks the rate increase filed by Southern's supplier, United Gas Pipe Line Co. on October 31, 1969, in Docket No. RP70–13. United Gas requested an effective date of December 16, 1969, for its proposed rate increase.

Atlanta Gas Light Co. (Atlanta) on December 5, 1969, filed a motion requesting that the Commission reject Southern's filing. Atlanta asserts that Southern has ample time to submit a rate increase tracking the United rate increase after the March 1, 1970, expiration of the suspension period in RP70–5. Atlanta claims that with such postponement Southern may reflect any rate reductions which may result from action taken in Phase I of proceedings in RP70–5 and may reflect possible refunds resulting from the resolution of issues in the United proceeding in RP70–13. Atlanta further states that the postponement of Southern's tracking increase would permit the use of a more recent period in evaluating Southern's test year adjustments in Docket No. RP70–5.

Upon consideration of the arguments advanced by Atlanta, we find them to be without merit. Southern's tracking filing is in accordance with the Commission policy indicated in Texas Eastern Transmission Corp., Opinion No. 540, 39 FPC 630, and with the recent orders issued by the Commission permitting tracking of increased purchased gas costs. Our action herein proscribes this increase being made effective prior to May 16, 1970. If as of that date, there have been any adjustments to Southern's underlying rates as filed in RP70–5, resulting from Phase I determination in that docket or from resolution of issues in Docket No. RP70–13, such adjustments will be reflected in this tracking.

Southern proposes an effective date of December 16, 1969, the requested effective date of United's increase or such later date as the Commission may prescribe for United in Docket No. RP70–13.

Since Southern's rates are presently the subject of proceedings in Docket No. RP70–5, it appears appropriate that the proposed rate increase in Docket No. RP70–16 be consolidated with the RP70–5 proceedings.

The Commission finds: Good cause exists for waiving § 154.66(b) of the Commission's Regulations to permit the filing of the proposed revised tariff sheets.

The Commission orders:

(A) Section 154.66(b) of the Commission's regulations under the Natural Gas Act is hereby waived to permit the filing of the instant tariff sheets.

(B) The revised tariff sheets are hereby suspended and their use deferred until May 16, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Southern shall not make the increase proposed herein effective prior to the date that the increased rates proposed by United in Docket No. RP70–13 are made effective.

(C) The subject increase in Docket No. RP70–16 is hereby consolidated with the proceedings in Docket No. RP70–5, and is, therefore, subject to orders issued by this Commission in Docket No. RP70–5.

(D) Atlanta's motion to reject this rate filing is accordingly denied.

By the Commission.

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

[F.R. Doc. 69–15113, Filed, Dec. 19, 1969; 8:46 a.m.]

[1] Sixth Revised Sheet Nos. 8A, 8D, 11H, 15A, 15D, 26A, and 26D; Second Revised Sheet Nos. 8E, 15E, and 26E; 10th Revised Sheet Nos. 9, 16, 23, and 27; Fourth Revised Sheet No. 11F; Fifth Revised Sheet No. 11J; and Seventh Revised Sheet No. 30.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

December 1969 CCC Monthly Sales List

Item 4 of the Notice to Buyer section of the CCC Monthly Sales List for December (34 F.R. 19146) is amended by deletion of the parenthetical phrase (other than malting barley).

Signed at Washington, D.C., on December 15, 1969.

CARROLL G. BRUNTHAVER, *Acting Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 69–15142; Filed, Dec. 19, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ADOLF SILVERMAN

Notice of Granting of Relief

Notice is hereby given that Mr. Adolph Silverman, Dupree, S. Dak. 57623, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on August 6, 1953, in the U.S. District Court of South Dakota, Southern Division, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Adolph Silverman because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such conviction, it would be unlawful for Adolph Silverman to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Adolph Silverman's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Adolph Silverman be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

[SEAL] WILLIAM H. SMITH,
Commissioner of Internal Revenue.

[F.R. Doc. 69-15171; Filed, Dec. 19, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 1632]

CALIFORNIA

Notice of Classification of Public Lands for Multiple Use Management

DECEMBER 15, 1969.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, the public lands described in paragraph 4 are classified for multiple use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

3. No adverse comments were received on lands in Modoc County following publication of the notice of proposed classification in the FEDERAL REGISTER (33 F.R. 10113) or at the public hearing held on August 15, 1968 in Susanville, Calif. No changes are made in the list of Modoc County lands included in this classification. The public participation record can be examined in the Susanville District Office, Susanville, Calif.

4. The public lands located in the following described areas are all within Modoc County. For the purpose of this classification, the lands have been analyzed and described in documents and maps available for inspection at the Susanville District Office, Bureau of Land Management, Fifth and Cedar Streets (Post Office Box 1090), Susanville, Calif. 96130. The description of the area is as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

All public lands in:

T. 39 N., R. 5 E.,
Sec. 24.
T. 39 N., R. 6 E.,
Sec. 7.
T. 39 N., R. 7 E.,
Secs. 3, 4, 10, 11, and 15.
T. 39 N., R. 8 E.,
Secs. 4, 5, 8, 9, 10, 13, and 15.
T. 39 N., R. 9 E.,
Sec. 13, SW¼;
Secs. 14, 15, 17, 18, 19, 22, 23, 26, and 27.
T. 40 N., R. 7 E.,
Secs. 14, 15, 23, and 26.
T. 40 N., R. 8 E.,
Sec. 32.

The public lands being classified aggregate approximately 6,150 acres.

For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2(c).

J. R. PENNY,
State Director.

[F.R. Doc. 69-15170; Filed, Dec. 19, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CLARKSON COLLEGE OF TECHNOLOGY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69-00616-25-62700. Applicant: Clarkson College of Technology, Potsdam, N.Y. 13676. Article: Electrolytic tank plotting unit. Manufacturer: F. C. Robinson & Partners, Ltd., United Kingdom. Intended use of article: The article will be used by undergraduate students in courses in electromechanical energy conversion. The use of this article will make possible the precise plotting of fields with a minimum of error due to boundary effects and polarization. Further research will require the plotting of electric fields in the vicinity of insulators and conductors in high voltage power work. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an electrolytic tank plotting unit, a teaching device, which has the capability for use in precise plotting of fields in the three dimensional space surrounding three dimensional models of such electrical components as electrical machine parts, and high voltage transmission line insulators and conductors. We are advised by the National Bureau of Standards (NBS) in a memorandum dated August 15, 1969, that it knows of no domestic instrument or apparatus which is capable of fulfilling the purpose for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-15101; Filed, Dec. 19, 1969; 8:45 a.m.]

EASTERN MICHIGAN UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

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

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

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

c. Structure determination of bridged polycyclic hydrocarbons.

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

e. Structural determination of perfluoroarene sandwich compounds and perfluoroaromatics.

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

g. Characterization of novel monomers.

h. Study of stereochemistry of thermally stable condensation polymers.

i. Structure determination of imides, epoxides and related compounds.
j. Study of enzyme-inhibitor kinetics.
k. Solvation studies of proton transfer complexes at varying temperatures.
l. Study of degradation of estrogens in strong acids.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 20, 1969). Reasons: The foreign article provides a combined internal-external lock capability, whereas the most closely comparable domestic instrument the Varian Model HA-60 provides either an internal or external lock capability, but not both types of locking facilities in the same instrument. We are advised by the National Bureau of Standards (NBS) in its memorandum dated October 14, 1969, that the availability of both internal and external locking facilities in the same instrument is pertinent to the purposes for which the foreign article is intended to be used. For this reason, we find that the Varian HA-60 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-15102; Filed, Dec. 19, 1969; 8:45 a.m.]

PURDUE UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69-00583-33-46040. Applicant: Purdue University, Department of Biological Sciences, Lafayette, Ind. 47907. Article: Electron microscopes, Model EM 300 (2 each). Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used to educate 700 undergraduate majors, 280 graduate students, and about 24 postdoctorates per year. The main purposes are as follows: (1) To educate teachers for secondary schools, (2) to educate technicians for academic, industrial, governmental, and technical laboratories, (3) to educate scientists at the Ph. D. level for independent positions in universities, industry, and government and (4) to educate preprofessional (prevet, premed, predent, and lab technicians) students. The department is strong in the areas of molecular biology, cell biology, including microbiology, developmental biology, neurobiology and other areas. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant institution placed a bona fide order for the article. (See applicant's purchase order No. 70506, dated July 27, 1968.) Reasons: (1) The foreign article has a guaranteed resolving capability of five Angstroms. The most closely comparable domestic instrument being manufactured in the United States at the time the foreign article was ordered, was the Model EMU-4 electron microscope which was then being manufactured by the Radio Corp. of American (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The RCA Model EMU-4 has a guaranteed resolving capability of eight Angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) (2) The foreign article provides five accelerating voltages—20, 40, 60, 80, and 100 kilovolts. The RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. The Department of Health, Education, and Welfare (HEW) advises us that for the purposes for which the foreign article is intended to be used, the additional resolving capability and accelerating voltages of the foreign article are pertinent characteristics. For this reason, we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-15103; Filed, Dec. 19, 1969; 8:45 a.m.]

STANFORD UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69-00626-33-62550. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Plethysmograph, impedance. Manufacturer: Chalmers University, Sweden. Intended use of article: The article will be used to evaluate an electrical method for measuring pulmonary blood volume, flow, and changes in transthoracic electrical impedance changes in laboratory animals. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a tetrapolar impedance plethysmograph designed for measuring changes in transthoracic electrical impedance in laboratory animals as related to pulmonary blood volume and flow. The ability to measure such changes is pertinent to the applicant's intended purposes. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated August 15, 1969, that it knows of no scientifically equivalent domestic instrument or apparatus which is capable of fulfilling the purposes for which the foreign article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-15104; Filed, Dec. 19, 1969; 8:45 a.m.]

STATE UNIVERSITY OF NEW YORK AT BUFFALO

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the

Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69–00588–99–30050. Applicant: State University of New York at Buffalo, Office of Facilities Planning, 3258 Main Street, Buffalo, N.Y. 14214. Article: Miniflo Flow Velocity Kit, No. 265. Manufacturer: Kent Industrial Instruments, Ltd., United Kingdom. Intended use of article: The article will be used for research purposes to establish lateral and vertical velocity profiles in hydraulic models of lakes and estuaries where a free surface is involved and where the velocity of flow is often so small that it cannot be measured by conventional means. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a very small self-contained current velocity meter which can accurately measure velocities down to 2.5 centimeters/second (cm./sec.) and is movable within the flow field. We are advised by the National Bureau of Standards (NBS) in a memorandum dated August 1, 1969, that for the applicant's intended purposes the ability to measure velocities as low as 2.5 cm./sec. and mobility within the flow field are pertinent characteristics of the foreign article. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–15105; Filed, Dec. 19, 1969; 8:45 a.m.]

UNIVERSITY OF ALASKA

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69–00624–89–70000. Applicant: University of Alaska, Geophysical Institute, College, Alaska 99701. Article: Lightweight portable radiometer, Model PD1–QK. Manufacturer: Physikalisk Meteorologisures Observatorium, Switzerland. Intended use of article: The article will be used for the McCall Glacier project to measure the albedo of different surfaces, and to measure the albedo changes of the snow cover during the season in different altitudes. Furthermore, the long wave outgoing radiation of different surfaces can be measured. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a lightweight portable radiometer which is able to measure each of the four radiation fluxes. These fluxes are short wave incoming, short wave reflected, long wave incoming and long wave outgoing. We are advised by the National Bureau of Standards (NBS) in a memorandum dated July 31, 1969, that the ability to measure each of the four radiation fluxes is a pertinent characteristic of the foreign article. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–15106; Filed, Dec. 19, 1969; 8:45 a.m.]

UNIVERSITY OF COLORADO

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69–00617–33–46040. Applicant: University of Colorado Medical Center and Webb-Waring Institute for Medical Research, 4200 East Ninth Avenue, Denver, Colo. 80220. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for studies given in detail of the following types of specimens:

1. Tissues of lung and nerve.
2. The examination of cells from cultures of lung, nerve, and bacteria.
3. To study cell fractions prepared from lung, nerve, and bacteria.
4. The study of macromolecules isolated from previously mentioned specimens.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (prior to July 12, 1967). Reasons: (1) The foreign article provided a guaranteed resolution of 5 angstroms. The only domestic electron microscope available prior to July 1, 1968 was the Model EMU–4 which was manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The RCA Model EMU–4 has a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolution.) The additional resolution of the foreign article is considered pertinent to the purposes for which this article is intended to be used. (2) The foreign article provided accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA EMU–4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages of the foreign article offers optimum contrast for thin unstained biological specimens. The research program with which the foreign article is intended to be used involves experiments on unstained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent. For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–15107; Filed, Dec. 19, 1969; 8:45 a.m.]

UNIVERSITY OF MASSACHUSETTS

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural

Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69–00625–01–78030. Applicant: University of Massachusetts, Boston, 100 Arlington Street, Boston, Mass. 02116. Article: Spectrophotometer, Model 225. Manufacturer: Bodenseewerk Perkin-Elmer & Co., GmbH, West Germany. Intended use of article: The article will be used for teaching and research. More specifically, the use of the instrument will encompass structural investigations of organoboranes. Some of the compounds will be studied in the gas phase, for which high spectral resolution is needed, others will be studied as crystals, for which access to the higher frequency overtone region is needed. Information on overtone frequencies is essential also for studies of vibrational anharmonicity in connection with the investigations of molecular force fields and determination of vibrational force constants. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an infrared recording spectrophotometer which is capable of scanning the wave number range of 5,000 to 200 reciprocal centimeters ($cm.^{-1}$). The most closely comparable domestic instrument is the Model IR–12 manufactured by Beckman Instruments, Inc., which has a wave number range of 4,000 to 200 $cm.^{-1}$. For the purposes for which the foreign article is intended to be used, the additional upper range is a pertinent characteristic. For this reason, we find that the Beckman Model IR–12 is not of equivalent scientific value to the foreign article, for the purposes for which the article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–15108; Filed, Dec. 19, 1969; 8:45 a.m.]

UNIVERSITY OF TEXAS MEDICAL SCHOOL

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69–00628–33–46040. Applicant: The University of Texas Medical School at San Antonio, 7703 Floyd Curl Drive, San Antonio, Tex. 78229. Article: Electron microscope, Model JEM 7A. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for biological research in the following areas:

(1) Examination of virus ultrastructure—Thin sections and negatively stained preparations of viruses and viral components will be examined so as to determine their architecture molecular structure.

(2) Low magnification examination of virus infected cells. Immunologic labeling of viral antigens for detection by low magnification electron microscopy is a valuable technique in searching for viral agents in tissues or cell cultures.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The most closely comparable domestic instrument available at the time the application was submitted was the EMU–4B electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The foreign article provides a minimum magnification of 120 diameters (X) for scanning purposes that can be increased to 250,000X without changing a pole piece or specimen holder, whereas, the Model EMU–4B electron microscope's magnification range is 1,400X to 70,000X with the standard pole piece or, by changing to a special pole piece and specimen holder 500X to 70,000X. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated September 18, 1969, that for the purposes for which the foreign article is intended to be used the minimum magnification of 120X for scanning purposes that can be increased to 250,000X without changing the pole piece and specimen holder is a pertinent characteristic. For this reason, we find that the RCA Model EMU–4B electron microscope is not of equivalent scientific value to the foreign article for the purposes for which this article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–15109; Filed, Dec. 19, 1969; 8:45 a.m.]

UNIVERSITY OF WASHINGTON

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69–00605–80–79700. Applicant: University of Washington, Purchasing Department, 3917 University Way NE., Seattle, Wash. 98105. Article: Analytical stereoplotter, Model AP/C. Manufacturer: Ottico Meccanica Italiano, S.P.A., Italy. Intended use of article: The article will be used in the applicant's computer center and applied to the investigation of conventional and exotic imagery, to the development of the art and science of photogrammetry in basic research into the error propogation, the basic geometry, and new and unusual uses of photogrammetry, and for the training of students in photogrammetry. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a very high precision stereoplotter which can be programed to solve a variety of conventional and unorthodox problems in photogrammetry. In addition, the article is capable of performing a mathematical restitution of a stereomodel, correcting for all known sources of error and distortion, and accepting a variety of focal lengths. The applicant requires the foreign articles for reduction of conventional imagery, analysis interpretation and measurement of unusual imagery including, but not limited to convergent, panoramic, TV, nonphotographic extremely short or long focal lengths imagery containing large or nonuniform deformations and imagery possessing other unconventional characteristics. We are advised by the National Bureau of Standards (NBS) in a memorandum dated August 1, 1969, that the availability of an instrument or apparatus that can suitably achieve the

applicant's versatile and demanding objectives with correction for all known sources of error and distortion and with the capacity to accept a wide range of focal lengths is pertinent to the purposes for which the foreign article is intended to be used.

NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-15110; Filed, Dec. 19, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

WYANDOTTE CHEMICALS CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP OB2478) has been filed by Wyandotte Chemicals Corp., 1609 Biddle Avenue, Wyandotte, Mich. 48192, proposing that § 121.2522 *Polyurethane resins* (21 CFR 121.2522) be amended to provide for the safe use of the following substances as reactants in the preparation of polyurethane resins for use in contact with dry bulk foods:

Glyceryl polyoxypropylene triol.
Polyoxypropylene glycol diether of 4,4'-isopropylidenediphenol containing a minimum of 2-4 moles of propylene oxide.
Polypropylene glycol (3-9 moles) triether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.
Alpha-[*p*-1,1,3,3-Tetramethylbutyl)phenyl]-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of *p*-(1,1,3,3-tetramethylbutyl)phenol with an average of 5 moles of ethylene oxide.

The petitioner also proposes that § 121.2522 be amended to permit the following adjuvant substances to be employed in the production of the polyurethane resins:

1-(3-Chloroallyl)-3, 5, 7-triaza-1-azoniaadamantane chloride, for use as a preservative.
omega-Hydroxypoly(oxyethylene) (136-170 moles)-(2-hydroxytrimethylene) diether with 4,4'-isopropylidenediphenol, for use as a stabilizer.
N-(2-Hydroxypropyl)-ethylenediamine, for use as a curing agent.
Triisopropanolamine, for use as a curing agent.

Dated: December 12, 1969.

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

[F.R. Doc. 69-15115; Filed, Dec. 19, 1969; 8:46 a.m.]

ACTING COMMISSIONER OF FOOD AND DRUGS

Delegation of Authority

Notice is hereby given of the following delegation of authority:

I hereby designate Dr. Charles C. Edwards as Acting Commissioner of Food and Drugs effective December 13, 1969.

Dated: December 11, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-15167; Filed, Dec. 19, 1969; 8:49 a.m.]

Public Health Service

NARCOTIC ADDICT REPORTING PROGRAM

Confidentiality of Identifying Information

The narcotic addict rehabilitation programs of the National Institute of Mental Health are conducted to provide and encourage treatment and rehabilitation of narcotic addicts throughout the United States. These programs are conducted by the National Institute of Mental Health under various statutory authorizations, including 42 U.S.C. 2688 et seq. and 42 U.S.C. 3411 et seq. The functioning of these programs involves the obtaining by the National Institute of Mental Health, on a continuing basis, of detailed reports concerning the living habits, behavior, attitudes, criminal records, and other pertinent information on the life functions of narcotic addicts. The furnishing of such information cannot be required, and it can be obtained fully and accurately only by the voluntary cooperation of the individuals concerned.

In order to secure the cooperation upon which the success of the program so vitaly depends, I find it necessary to give hereby assurance, in accordance with § 1.103(a) of the Public Health Service Regulations (42 CFR 1.103(a)), to every individual who voluntarily provides data to the National Institute of Mental Health, its grantees, contractors and cooperating agencies for the purpose of the narcotic addict reporting program that any such information which permits identification of the individual will be held strictly confidential, will be used solely by persons engaged in the above mentioned program and will not be disclosed or released to other persons for any other purpose.

I have directed that administrative arrangements be established to secure full compliance with this assurance of confidentiality by the persons authorized to obtain, study, compile, and evaluate information for the programs.

STANLEY F. YOLLES, M.D.,
Director, National Institute of Mental Health.

ROBERT VAN HOEK, M.D.,
Acting Administrator, Health Services and Mental Health Administration.

DECEMBER 10, 1969.

[F.R. Doc. 69-15116; Filed, Dec. 19, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-4]

AMERICAN MAIL LINE

Byproduct and Source Material License; Termination of License

In accordance with application dated October 1, 1969, License No. 46-03623-01 is hereby terminated.

Date of termination: October 1, 1969.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director, Division of Materials Licensing.

[F.R. Doc. 69-15158; Filed, Dec. 19, 1969; 8:48 a.m.]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Order Extending Provisional Operating License Expiration Date

Connecticut Yankee Atomic Power Co., having filed an application dated November 12, 1969, for an extension of the expiration date of Provisional Operating License No. DPR-14 which authorizes the possession and operation of the Haddam Neck Plant pressurized water reactor at steady-state power levels up to a maximum of 1,825 Mw (thermal), located in the Town of Haddam, Middlesex County, Conn., and good cause having been shown for this extension pursuant to 10 CFR 50.57(d) of the Commission's regulations, *It is hereby ordered*, That the expiration date of Provisional Operating License No. DPR-14 is extended from December 30, 1969, to December 30, 1970.

Dated at Bethesda, Md., this 3d day of December 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 69-15100; Filed, Dec. 19, 1969; 8:45 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Deputy Assistant Secretary (Family Planning and Population)"

to "Deputy Assistant Secretary for Population and Family Planning".

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-15148; Filed, Dec. 19, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Assistant for New Communities, Office of the Assistant Secretary for Metropolitan Development.

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

[F.R. Doc. 69-15149; Filed, Dec. 19, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Associate Director, U.S. Geological Survey.

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

[F.R. Doc. 69-15150; Filed, Dec. 19, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Commissioner, Bureau of Indian Affairs.

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

[F.R. Doc. 69-15151; Filed, Dec. 19, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Chief Counsel, Federal Railroad Administration.

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

[F.R. Doc. 69-15152; Filed, Dec. 19, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

LYKES BROS. STEAMSHIP CO., INC., AND SOUTHERN LINES LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. R. J. Finnan, Analyst Rates & Tariffs, Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La. 70112.

Agreement No. 9830, between Lykes Bros. Steamship Co., Inc., and Southern Lines Ltd., establishes a through billing arrangement for the transportation of general cargo in the trade between U.S. Gulf ports and ports in the Somali Republic and Seychelles Islands with transshipment at Durban, Lourenco Marques, Beira, Dar es Salaam, and Mombasa, East Africa.

Dated: December 16, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15159; Filed, Dec. 19, 1969; 8:48 a.m.]

NEW ZEALAND SHIPPING CO., LTD., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street, NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

The New Zealand Shipping Co., Ltd., Shaw Savill & Albion Co., Ltd., Port Line Ltd., Blue Star Line Ltd., Ellerman Lines Ltd., and Farrell Lines, Inc.

Notice of agreement filed by:

John Mahoney, Esq., Casey, Lane and Mittendorf, 26 Broadway, New York, N.Y. 10004.

Agreement 9831 is between the six common carriers enumerated in the caption all of whom are presently engaged in the trade from New Zealand to the United States. The arrangement would permit the six lines to discuss and "wherever possible to arrive at a common position" to be taken in consultations with governmental agencies or private associations (e.g., conferences of rail, motor or air carriers, forwarders, shippers, or insurers) with respect to

(1) "The ocean movement from New Zealand to the United States as well as the inland movement of loaded and empty containers * * * and the charges and practices of the ocean carriers as well as the inland carriers of both countries in connection with such movements";

(2) "Rules governing the interchange and/or pooling of container equipment

with other transportation modes as well as between the parties" to the agreement; and

(3) "Insurance and liability for container equipment."

Dated: December 17, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15160; Filed, Dec. 19, 1969; 8:48 a.m.]

U.S. GULF/JAPAN COTTON POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Raymond J. Flynn, Chairman, U.S. Gulf/Japan Cotton Pool, 11 Broadway, New York, N.Y. 10004.

Agreement No. 8682-6 would modify the terms of the basic agreement to permit those lines who overcarried their allocated shares of cotton moving from Gulf ports to Japan during the 1966-67 "pool" or cotton year to settle their outstanding indebtedness to the other, or undercarrying member lines, on the basis of 10 cents on the dollar "with the understanding that said adjustments are not designed, nor are they in any way to be construed or accepted, as a guide or precedent for the future."

Dated: December 17, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15161; Filed, Dec. 19, 1969; 8:48 a.m.]

UNIVERSAL CRUISE LINE, INC.

Order of Revocation

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-71 and Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,066.

Whereas, Universal Cruise Line, Inc., 122 East 42d Street, New York, N.Y. 10017, has ceased to operate the passenger vessel *Caribia* subject to sections 2 and 3 of Public Law 89-777.

It is ordered, That Certificate [Performance] No. P-71 and Certificate [Casualty] No. C-1,066 be and are hereby revoked effective December 16, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on Universal Cruise Line, Inc.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15162; Filed, Dec. 19, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Barnett Banks of Florida, Inc., which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Tropical Bank & Trust Co., Sebring, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 16th day of December 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-15169; Filed, Dec. 19, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3328, 7-3329]

AMERICAN GENERAL INSURANCE CO., AND COLEMAN CO., INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 15, 1969.

In the matter of applications of the Pittsburgh Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
American General Insurance Co.	7-3328
Coleman Co., Inc.	7-3329

Upon receipt of a request, on or before December 30, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the

date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-15119; Filed, Dec. 19, 1969; 8:46 a.m.]

[Files Nos. 7-3311—7-3314]

CIRCUIT FOIL CORP., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 15, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading priviliges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Circuit Foil Corp.	7-3311
Lykes-Youngstown Corp.	7-3312
Rohr Corp. (Delaware)	7-3313
Union Pacific Corp.	7-3314

Upon receipt of a request, on or before December 30, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-15120; Filed, Dec. 19, 1969; 8:46 a.m.]

[File No. 7-3319 etc.]

ELECTRIC & MUSICAL INDUSTRIES LTD., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 15, 1969.

In the matter of applications of the Pacific Coast Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Electric & Musical Industries Ltd., American shares.	7-3319
Roan Selection Trust Ltd., American shares.	7-3324
Tubos de Acero de Mexico, S.A., American depository receipts.	7-3327

Upon receipt of a request, on or before December 30, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-15121; Filed, Dec. 19, 1969; 8:46 a.m.]

[70-4820]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Cash Capital Contributions to Subsidiary Companies

DECEMBER 15, 1969.

Notice is hereby given that General Public Utilities Corp. ("GPU") 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to make cash capital contributions from time to time up to June 30, 1970, to certain of its subsidiary companies of up to the following respective aggregate amounts:

Jersey Central Power & Light Co. ("JCP&L")	$20,000,000
Metropolitan Edison Co. ("Met-Ed")	60,000,000
New Jersey Power & Light Co. ("NJP&L")	4,000,000
Total	84,000,000

The proposed capital contributions will be utilized by JCP&L, Met-Ed, and NJP&L for the purpose of financing their business as public-utility companies, including the construction of additional facilities and the increase of working capital. Such cash capital contributions will be credited by the recipients to their respective capital surplus accounts.

The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. GPU estimates that the fees and expenses in connection with the proposed transactions will be approximately $3,000.

Notice is further given that any interested person may, not later than January 8, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-15122; Filed, Dec. 19, 1969; 8:46 a.m.]

[File No. 24A-1919]

MARINUS LABORATORIES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 15, 1969.

I. Marinus Laboratories, Inc. (Issuer), 42 Front Street, Melbourne, Fla. 32901, a Florida corporation, filed with the Commission on January 27, 1969, a notification, offering circular and other exhibits relating to a proposed offering of 75,000 shares of its 20¢ par value common stock at $4 per share for an aggregate amount of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The offering commenced on June 26, 1969. Scott, Gorman, O'Donnell & Co., Inc., 52 Broadway, New York, N.Y., is named as underwriter.

II. The Commission has reasonable cause to believe on the basis of information reported to it by the staff that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The underwriting of the issue on a best efforts all or none basis requiring that if all shares were not sold within 30 days from the date of the offering circular, the underwriter would receive no commission, the offering would be terminated, and all funds would be returned in full to subscribers;

2. The placing of funds from the sale of shares in an escrow account at the Franklin National Bank, New York City, until all shares were sold; and

3. The location of the issuer's principal office.

B. The terms and conditions of Regulation A have not been met in that the aggregate offering price of the issuer's securities covered by the notification and of its unregistered securities sold and issued within 1 year prior to the filing of the notification, for which no exemption is available, exceeds the $300,000 ceiling limitation imposed by Rule 254(a).

C. The issuer and underwriter in the distribution of these securities have engaged in transactions, practices and a course of business which would operate and did operate as a fraud and deceit upon the purchasers of such securities in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

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

[F.R. Doc. 69-15123, Filed, Dec. 19, 1969; 8:46 a.m.]

[File No. 7-3310]

UAL, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 15, 1969.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

UAL, Inc., File No. 7-3310.

Upon receipt of a request, on or before December 30, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-15124; Filed, Dec. 19, 1969; 8:46 a.m.]

[File No. 7-3315 etc.]

UNION PACIFIC CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 15, 1969.

In the matter of applications of the Pacific Coast Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Union Pacific Corp.	7-3315
American South African Investment Co., Ltd.	7-3316
Campbell Red Lake Mines Ltd.	7-3317
Canadian Breweries Ltd.	7-3318
Granby Mining Co. Ltd.	7-3320
KLM Royal Dutch Airlines	7-3321
Massey-Ferguson Ltd.	7-3322
Molybdenite Corporation of Canada Ltd.	7-3323
Schlumberger Ltd.	7-3325
Supercrete Ltd.	7-3326

Upon receipt of a request, on or before December 30, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-15125; Filed, Dec. 19, 1969; 8:46 a.m.]

[File No. 7-3309]

VULCAN CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 15, 1969.

In the matter of application of the Cincinnati Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Vulcan Corp., File 7-3309.

Upon receipt of a request, on or before December 30, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-15126; Filed, Dec. 19, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 17, 1969.

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

LONG-AND-SHORT HAUL

FSA No. 41828—*Grain and grain products within the Western District.* Filed by Western Trunk Line Committee, agent (No. A-2612), for interested rail carriers. Rates on grain, grain products, related articles and seeds, in carloads, as described in the application, from, to and between points in Colorado-Utah-Wyoming Committee, Illinois Freight Association, Southwestern Freight Bureau, Texas-Louisiana Freight Bureau, and Western Trunk Line Committee territories.

Grounds for relief—Revision in carload minimum weights.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15174; Filed, Dec. 19, 1969; 8:49 a.m.]

[Notice 959]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 12, 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 18259 (Sub-No. 1 TA), filed November 25, 1969. Applicant: JACKSON DISTRIBUTION CORP., 730 Spencer Street, Post Office Box 204, Salina Station, Syracuse, N.Y. 13208. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (I) *Meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Syracuse, N.Y., to (a) all points in the following described territory; beginning at Louisville Landing, N.Y., thence in a southeasterly direction to Massena, N.Y.; thence in a southerly direction to Potsdam, N.Y., thence in a generally northeasterly direction to Nicholville, N.Y., thence in a northeasterly direction to Malone, N.Y., thence in a northerly direction to the United States-Canada border at or near Trout River, N.Y., thence in a westerly direction along the United States-Canada border and the bank of the St. Lawrence River to Louisville Landing, N.Y., including the points named; (b) all points in the following described territory; beginning at Savona, N.Y., thence in a southerly direction to Addison, N.Y., thence in a southeasterly direction to Lawrenceville, Pa., thence in a generally easterly direction to Sayre, Pa., thence in a generally easterly direction to Hallstead, Pa., thence in a generally northeasterly direction to Cobleskill, N.Y., thence in a generally northeasterly direction to Schenectady, N.Y., thence in a generally northwesterly direction to Gloversvile, N.Y., thence in a generally northwesterly direction to Newport, N.Y., thence in a generally southerly direction through Herkimer and Mohawk, N.Y., to Richfield Springs, N.Y., thence in a generally southwesterly direction to Greene, N.Y., thence in a generally westerly direction to Beaver Dams, N.Y., thence in a generally westerly direction to Savona, N.Y., including the points named; and (II) *returned, refused, and rejected shipments* of the same commodities in the reverse direction. Supporting shippers: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214; Sugardale Foods, Inc., 1600 Harmont Avenue NE., Post Office Box 310, Canton, Ohio 44701. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 107295 (Sub-No. 261 TA), filed December 4, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and cooling systems, including accessories, parts, and fittings incidental to the completion, erection, and installation thereof*, from Pequannock, N.J., to points in Minnesota, Wisconsin, Michigan, Iowa, Illinois, Indiana, Ohio, Missouri, North Carolina, and South Carolina, for 180 days. Supporting shipper: Edwards Engineering Corp., 101 Alexander Avenue, Pompton Plains, N.J. 07444. 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 108068 (Sub-No. 84 TA), filed December 4, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., Operator of U.S.A.C. Transport, Inc., Post Office Box G, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air-conditioning equipment and parts thereof*, from Minneapolis, Minn., to points in the

United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Mammoth Industries, Inc., 13120-B County Road 6, Minneapolis, Minn. 55427. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 111812 (Sub-No. 394 TA), filed December 4, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products* as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the commercial zones of and including Omaha, Nebr., and Council Bluffs, Iowa, to points in North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maryland, Delaware, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501, Raymond C. Burke, Vice President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 114818 (Sub-No. 12 TA), filed December 4, 1969. Applicant: BARTON TRUCK LINE, INC., 455 West Fourth South Street, Salt Lake City, Utah 84101. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Timpie, Utah, and the plantsite of the National Lead Co. located approximately 12 miles north of Timpie, Utah, at a place to be known as Rowley, Utah, for 180 days. NOTE: Applicant indicates it does intend to tack the authority here applied for to other authority held by it, or to interline with other carriers, tacking and/or interlining will be with its authority in MC 114818 Sub-8 and MC 114818 Sub-10. Supporting shipper: National Lead Co., Traffic Department, 111 Broadway, New York, N.Y. 10006 (Robert S. Vonnahme, General Traffic Manager). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 124796 (Sub-No. 53 TA), filed December 4, 1969. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 300 NSEA Building, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buffing, polishing, cleaning, scouring, and washing compounds; solvents; sponges; starch; lubricating oil; carbon, gum, and sludge removing compounds; and, advertising materials and displays moving therewith*, from Kankakee, Ill., to Mauldin, S.C.; Birmingham, Ala.; East Cambridge, Mass.; Piscataway, N.J.; Richmond, Va.; Knoxville, Nashville, and Memphis, Tenn.; restricted against commodities in bulk, for 180 days. Supporting shipper: Simoniz Co., 110 North Wacker Drive, Chicago, Ill., 60606. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128504 (Sub-No. 2 TA), filed December 4, 1969. Applicant: JAMES M. BARNETT AND MRS. JAMES M. BARNETT, doing business as BARNETT's MOVING & STORAGE, R.F.D. No. 4, Kosciusko, Miss. 39090. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps and shades, lamps with globes and lamps without globes and pole lamps*, from Kosciusko, Miss., to points in Mississippi, and to points in Alabama, Arkansas, Connecticut, Delaware, Virginia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Wisconsin, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Missouri, and West Virginia, and to transport, *materials and supplies*, from said States to Kosciusko, Miss., for use in the manufacture of such lamps, shades, globes, and pole lamps, for 180 days. NOTE: Applicant does not intend to tack. Supporting shipper: The Lawrin Co., Drawer F, Kosciusko, Miss. 39090. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 133000 (Sub-No. 2 TA), filed December 4, 1969. Applicant: DIAMOND SAND & STONE CO., Post Office Box 4667, Jacksonville, Fla. 32201. Applicant's representative: Martin Sack, Jr., Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dolomite* in bulk, from points in Taylor County, Fla., to Dothan, Ala., Albany, Arlington, Bainbridge, Blakely, Cairo, Camilla, Cuthbert, Donalsonville, Edison, Moultrie, Shellman, and Thomasville, Ga., for 180 days. Supporting shipper: Dolime Minerals Co., Post Office Box 1441, Bartow, Fla., 33830. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133700 (Sub-No. 2 TA), filed December 4, 1969. Applicant: DUCKETT TRANSFER COMPANY, INC., 74 Meadow Road, Asheville, N.C. 28803. Applicant's representative: Phil Carson, Post Office Box 748, Asheville, N.C. 28802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice*, in bulk, in tank vehicles, from Lake Wales and Dunedin, Fla., to Asheville, N.C., for 180 days. Supporting shipper: Gerber Products Co., Post Office Box 2689, Asheville, N.C. 28802. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 133958 (Sub-No. 1 TA) (Amendment), filed October 3, 1969, published FEDERAL REGISTER, issues of October 14 and October 24, 1969, amended December 2, 1969, and republished as amended this issue. Applicant: W. E. STOCKARD, 2212 West Juniper, Roswell, N. Mex. 88201. Applicant's representative: Donald Brown, 847 Petroleum Building, Post Office Box 776, Roswell, N. Mex. 88201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feeds*, except liquid feeds or liquid feed supplements to be transported in tank vehicles, between points in New Mexico, on the one hand, and, points in the northern Panhandle of Texas on the other, bounded on the west by the New Mexico-Texas State line, on the north and east by the Texas-Oklahoma State line and continuing southerly along the eastern boundaries of Childress, Cottle, King, and Stonewall Counties, Tex., and bounded on the south by the southern boundaries of Stonewall, Kent, Garza, Lynn, Terry, and Yoakum Counties, Tex., for 180 days. NOTE: The purpose of this republication is to show that the commodity description and territory have been amended, and also to show that applicant is represented by Mr. Donald Brown. Supporting shipper: Hi-Plains Feed Yard, Route 2, Friona, Tex. 79035, and J. P. White Industries, Inc., Post Office Box 493, Roswell, N. Mex. 88201. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 134186 (Sub-No. 1 TA), filed December 4, 1969. Applicant: PAUL SIMPSON, Rural Route No. 1, Rock Falls, Ill. 61071. Applicant's representative: Lloyd Yost, 207 East Lincolnway, Morrison, Ill. 61270. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Walnut grove feed used for hogs, cattle, and poultry*, from West Liberty, Atlantic, and Independence, Iowa, to Bushnell, Aledo, Prophetstown, Oreg.; Lena, Marengo, and Hinckley, Ill., for 180 days. Supporting shipper: W. R. Grace, Inc., Galesburg, Ill. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-15175; Filed, Dec. 19, 1969; 8:49 a.m.]

[Notice 961]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 16, 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 11592 (Sub-No. 7 TA) (Correction), filed November 24, 1969 published in the FEDERAL REGISTER issue of December 5, 1969, and republished as corrected, this issue. Applicant: BEST REFRIGERATED EXPRESS, INC., 1001 West South Omaha Bridge Road, Council Bluffs, Iowa 51501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk in tank vehicles and except hides, from the plantsite and storage facilities of Beefland International, Inc., at Council Bluffs, Iowa, to points in Illinois, Wisconsin, Indiana, Ohio, and Michigan, for 180 days. NOTE: The purpose of this republication is to complete the commodity description which was inadvertently omitted, in previous publication. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa 51501 (Raymond C. Burke, Vice President). (Send protests to: Keith P. Kohrs, District Supervisor, Interstate-Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 26667 (Sub-No. 1 TA), filed December 8, 1969. Applicant: CONSOLIDATED FAST TRUCKING, INC., 1074 West 14th Place, Chicago, Ill. 60608. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted hides*, from Chicago, Ill., to Brooklyn and New York, N.Y., Boston and North Adams, Mass.; Baltimore, Md.; Newark, N.J.; Philadelphia and Westover, Pa., and Luray, Va., for 180 days. Supporting shippers: M. Aschheim Co., Inc., 7 South Dearborn Street, Chicago, Ill. 60603; Nick Beucher & Sons Co., 341 North California Avenue, Chicago, Ill. 60612; Overseas Fibres, Inc., 4551 South Racine Avenue, Chicago, Ill. 60609. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 73165 (Sub-No. 277 TA), filed December 5, 1969. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Fred F. Bradley, Suite 202-204, Court Square Office Building, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and components and fire hydrants*, from Birmingham, Ala., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana (east of the Mississippi River), Michigan, Mississippi, Missouri, Ohio (that part of Ohio on and south of a line starting at the Ohio-Pennsylvania State line and extending along Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio), Oklahoma, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: American Cast Iron Pipe Co., Post Office Box 2603, Birmingham, Ala. 35202, Attention: Mr. 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 114273 (Sub-No. 50 TA), filed December 3, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3030 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products*, as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and foodstuffs in mixed truckloads with meat and meat products, from Austin, Minn., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Indiana, Ohio, Michigan, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the District of Columbia, and Cook County, Ill.; restricted to traffic originating at the plantsite or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., and destined to the States and county named, for 180 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 114552 (Sub-No. 42 TA), filed December 8, 1969. Applicant: SENN TRUCKING COMPANY, Post Office Box 333, Newberry, S.C. 29108. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated tunnel support system including prefabricated structural beams, ribs, liner plates, angle spacers, support logging, posts, bolts and nuts*, from the plantsite and storage facilities of Commercial Shearing & Stamping Co. at Youngstown, Ohio, to the job site of East River Mountain Tunnel near North Gap, Bland County, Va., for 180 days. Supporting shipper: Commercial Shearing & Stamping Co., Youngstown, Ohio. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 116273 (Sub-No. 122 TA), filed December 8, 1969. Applicant: D&L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude light oil of coal tar*, in bulk, in tank vehicles, from Gary, Ind., to Lemont, Ill., for 150 days. Supporting shipper: Ashland Oil & Refining Co., Ashland, Ky. 41101. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128888 (Sub-No. 2 TA), filed December 8, 1969. Applicant: PANDA TRANSPORT, INC., 2700 Broening Highway, Baltimore, Md. 21222. Applicant's representative: Paul Angelos (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, and personal effects* from Baltimore, Md., to Dover, Del., restricted to shipments having an immediately prior or subsequent movement by rail, motor, water, or air, for 180 days. Supporting shippers: (1) Baltimore Shipping Co., Inc., 1010 American Building, Baltimore, Md. 21202; (2) Imperial Household Storage Co., Inc., Post Office Box 20124, St. Petersburg, Fla. 33702; (3) National Carloading Corp., Monument and Fallsway, Baltimore, Md. 21202; (4) Pacific Terminals, 210 East Redwood Street, Baltimore, Md. 21202. Send portests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 134192 TA, filed December 8, 1969. Applicant: COMMERCIAL CARRIERS, INC., Sissonville Road, U.S. Highway No. 21 North, Post Office Box No. 366, Charleston, W. Va. 25322. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail and wholesale discount stores, from points in Pennsylvania, Ohio, Kentucky, and West Virginia, to stores and warehouses in West Virginia, Kentucky, and Ohio, for 180 days. NOTE: Applicant presently holds a common carrier certificate in Docket No. MC 110659, to transport malt beverages, grain and grain products, crockery and household goods, all inactive except malt beverage authority. Supporting shipper: Heck's, Inc., 1012 Kanawha Boulevard East, Post Office Box No. 2233, Charleston, W. Va. 25328, Attention: Marvin L. Meadows, Traffic Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

MOTOR CARRIER OF PASSENGERS

No. MC 745 (Sub-No. 12 TA), filed December 4, 1969. Applicant: GERALD S. HAGEY, doing business as HAGEY'S BUS SERVICE, Franconia, Pa. 18924. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip operations, between Norristown, Pa., and New York, N.Y., from Norristown, over U.S. Highway 202 over Doylestown, Pa., to Lahaska, Pa., thence over Pennsylvania Highway 263 to Stockton, N.J., thence over New Jersey Highway 29 in a southerly direction to its intersection with U.S. Highway 202 at Lambertville, N.J., and thence over U.S. Highway 202 to its intersection with U.S. Highway 22 near Somerville, N.J., thence over Interstate Highway 287 to its intersection with New Jersey Turnpike, Interstate Highway 95, and thence over Interstate Highway 95 and Interstate 495 through the Lincoln Tunnel to the New York Port Authority Bus Terminal, New York, N.Y., and return over the same route, serving all intermediate points in Pennsylvania between Norristown, Pa., and Lahaska, Pa., including Norristown and Lahaska, Pa., and serving Flemington, N.J., for interchange purposes only; authority also requested to operate U.S. Highway 1 and U.S. Highway 9 in New York and New Jersey for operating convenience only, for 180 days. Supporting shippers: There are signatures of approximately 37 supporting passengers attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15176; Filed, Dec. 19, 1969; 8:49 a.m.]

[Notice 464]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 17, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71709. By order of December 11, 1969, the Motor Carrier Board approved the transfer to Luverne Marcusson, Red Oak, Iowa, of Certificate No. MC-123025 (Sub-No. 1) issued July 12, 1961, to Lee Schaefer, Omaha, Nebr., authorizing the transportation of sand, gravel, dirt, rocks, and crushed limestone, in dump vehicles, between points in Nebraska and Iowa. Jerry L. Snyder, 214 Sharp Building, Lincoln, Nebr. 68508, attorney for applicants.

No. MC-FC-71754. By order of December 12, 1969, the Motor Carrier Board approved the transfer to State Film Service, Inc., Fort Lee, N.J., of the operating rights in certificate No. MC-126779 (Sub-No. 2) issued December 6, 1966, to Hudson Film Service Corp., Fort Lee, N.J., authorizing the transportation, over irregular routes, of motion picture films, accessories, supplies, and advertising matter used in connection with the operation and maintenance of theaters, between Fort Lee, N.J., on the one hand, and, on the other, points in Westchester County, N.Y. Edward M. Alfano and John L. Alfano, 2 West 45th Street, New York, N.Y. 10036, attorney for applicants.

No. MC-FC-71760. By order of December 11, 1969, the Motor Carrier Board approved the transfer to Melvin J. Robinson Co., Inc., Colden, N.Y., of certificates Nos. MC-96485, MC-96485 (Sub-No. 1), MC-96485 (Sub-No. 2), MC-96485 (Sub-No. 4) and MC-96485 (Sub-No. 6) issued August 13, 1942, March 3, 1960, October 1, 1962, November 27, 1962, and February 20, 1964, respectively, to Melvin J. Robinson, Colden, N.Y., authorizing the transportation of: General commodities with the usual exceptions and certain specifically named commodities, i.e., refractory products, between specified points and areas in New York, Michigan, Ohio, and Pennsylvania. William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15178; Filed, Dec. 19, 1969; 8:49 a.m.]

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